NOVA SCOTIA

Occupational Health and Safety

2011/12 Annual Report

Occupational Health and Safety Division
Labour and Advanced Education
Fiscal Year April 1, 2011 to March 31, 2012

Labour and Advanced Education

Occupational Health and Safety Division

For an electronic copy of this Annual Report, or for more information related to occupational health and safety, please visit our website at www.gov.ns.ca/lae/healthandsafety or call toll free at 1-800-952-2687.

For specific questions pertaining to this report, please contact the Executive Director at: ohsdivision@gov.ns.ca

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OVERVIEW

This is the report from the Occupational Health and Safety Division ("Division") to the Occupational Health and Safety Advisory Council for the period April 1, 2011 to March 31, 2012. Submitted annually, this report provides a review of the Division's activities and administration of the Act and associated programs. It also satisfies the statutory requirement, under subsection 9 (f) of the Act which states: "The Division shall annually, submit to the Advisory Council a report on a review of this Act."

Where injury data is presented, the Division is not necessarily the sole source of the data. Consequently, the Division cannot answer accurately, or in detail, as to the method of collection, standard of measurement, data quality or trends reported by the source agencies (Atlantic Provinces, WCB and the Federal Government of Canada). If such information is required, the reader is encouraged to contact the organizations from which the data was obtained.

This report is divided into the following seven (7) sections:

- Statistical Highlights
- Summary
- Glossary of Terms
- Organizational Overview
- Strategic Directives, Activities and Performance
- Operational Directives, Activities and Performance
- Appendices

OHS DIVISION MISSION STATEMENT & OBJECTIVES

The Division's mission statement is:

To establish, promote and enforce clear standards to reduce occupational injury and illness.

The Division's mission is accomplished by applying both regulatory and non-regulatory compliance tools such as public education and communications, standard setting, codes of practice, promotion of partnerships and stewardship agreements, and economic instruments.

Three (3) key objectives were identified by the Division and continue to be acted upon.

1. Together with our partners, reduce the incidence of injury and illness of employees.
2. Improve the understanding of occupational health and safety standards by all workplace parties; and
3. Improve health and safety conditions in the workplace by means of promotion, research, inspection, investigation and enforcement of laws.

To help achieve these objectives, the Division continued to:

- support and encourage the use of the internal responsibility system (IRS);
- deliver a program aimed at improving the understanding of occupational health and safety standards by all workplace parties;
- develop regulatory management practices which follow best practices and focus on continuous improvement, in consultations with stakeholders;
- develop and implement risk-based models for delivery of occupational health and safety;
- prepare and maintain statistics and information related to occupational health and safety;
- develop revisions to, and drafted consolidation of, occupational health and safety laws and policies;
- support research in matters related to occupational health and safety;
- publish reports, studies and recommendations;
- support the tripartite system of employers, employees and government to share in decision making as it affects occupational health and safety; and
- administer consistently, with all clients, all health and safety-related Acts and Regulations.

The Division operates within the context of multiple directives and partnerships. These are in support of:

- the Department of Labour and Advanced Education (LAE) priorities
- the WSIS Goals and Objectives
- the OHS Division Priority list
- the OHS Division Multi-Year Plan
- the 2011/12 LAE Statement of Mandate priorities

The following content details the Division's action towards meeting these strategic directives and partnerships.

INSPECTIONS & INVESTIGATIONS

The Division had an active year; however, during this period, 1 Manager, 6 Officers and 2 Investigators retired or left to pursue other opportunities. Although new staff members were hired, recruiting, hiring and training new officers/investigators can take a position out of the field for up to one year. In addition, several initiatives, including a Targeting Pilot Project with WCB and participation in safety related committees, also impacted the overall field related statistics. With this in mind, the summary of Division activities noted below reflects the resulting decrease in field work. This accounts, at least in part, for the decrease in Orders Issued under the *OHS Act*. Division activities reflect the following statistical highlights in comparison (percentage change) to the 2010/11 fiscal year:

- # of Division (overall) Activities *decreased* approximately 9%
- # of Activities Per-Officer *decreased* approximately 38%
- # of Complaints *decreased* approximately 11%
- # of Orders Issued (OHS Act) *decreased* approximately 23% (# of Orders Issued (Regulations) *decreased* approximately 18%
- # of Appeals (Officers' Decisions) *decreased* approximately 38%
- # of Appeals (Director's Decision) *decreased* approximately 89%
- # of Administrative Penalties issued *decreased* approximately 14% (Note: This is expected given the reduction in Orders issued.)
- # of Administrative Penalties appealed *increased* approximately 1%

Based on the data produced from the IRS Checklists compiled by officers during inspection activities, 48% of the measured areas reported an increased level of compliance, while 11% remained unchanged compared to the last reporting period.

All areas of the JOHSC Issues category (JOHSC Composition, Worker JOHSC Attendance, JOHSC Established, Health & Safety Representative and JOHSC Rules of Procedures) show a 3.2% increase over the last reporting period.

It is relevant to indicate that the decrease in statistics is reflective of three primary factors:

- Staff vacancies
- Training period for new staff
- Increased awareness and compliance in workplaces

The Special Investigations Unit completed its' first full year of operation. Staff members were engaged in multiple investigation activities involving serious injuries and fatalities.

PROSECUTIONS & APPEALS

There were 51 (long-form) charges decided by the court during 2011/12, an increase of approximately 19% over the previous year. The conviction rate on the charges that were decided (based on charges proceeded by the Crown) was 100% (16/16).

It should be noted that of the 51 charges laid by the Division, 25 were withdrawn by the Crown in favour of plea arrangements with defense counsel, and 10 other charges were stayed by the Court on recommendation by the Crown. This is not uncommon when plea arrangements are negotiated between the Crown and defense counsels.

Five Summary Offence Tickets (SOTs) were issued by the Division during the reporting period, a decrease of approximately 82% over the previous year.

ADMINISTRATIVE PENALTIES

The Administrative Penalties Regulations completed its first full (fiscal) year. The Regulation was intended as a tool to help encourage voluntary compliance. To ensure broader knowledge of the regulation, the Division distributed pamphlets and information cards during inspection activities. Further, Division staff conducted more than two dozen presentations to clients and stakeholders throughout the province.

For the 2011/12 fiscal year, 996 administrative penalties were issued, the monetary amount of which totaled approximately $683,000. More detailed statistics is provided later in this document.

LEGISLATION & POLICY DEVELOPMENT

The Division consulted stakeholders on proposed amendments to the Fall Protection and Scaffolding Regulations and others relative to the consolidation of myriad OHS regulations. The intent for the consolidated regulations is ease of access, as well as clarity and continued relevance of information.

There were amendments to the *OHS Act* during this reporting period, as seen below.

Bill No 25 third reading May 2011 - changes to *OHS Act:*

- impose a progressive fine structure that has a maximum fine of $250,000 for a first offence and $500,000 for each subsequent offence that occurs within five years of a previous conviction;
- impose a maximum fine of $500,000 in all fatality cases;
- provide, where the court orders the repayment of benefits accrued to the offender during the commission of an offence, that these amounts be in addition to the maximum fine levels rather than be included within the maximum fine levels; and
- change the title of the Minister and the department to Labour and Advanced Education.

Bill No 100 third reading December 10, 2010

Labour Board Act: An act to Establish a Unified Labour Board. This Act:

- Abolished the Occupational Health and Safety Appeal Panel under the *Occupational Health and Safety Act* and the Occupational Health and Safety Administrative Penalties Regulations.

- Changed all sections referencing the OHS Appeal Panel.

EDUCATION & CONSULTATION

Staff participated in and delivered several dozen province-wide presentations to individual organizations, workplaces, industry associations and conferences ranging from general requirements to regulation-specific topics.

Additional education/information sessions and activities led by division staff relate to the following:

- In May 2011, the Division launched a new information site, referred to as the "Occupational Health and Safety Knowledge Base". The site is designed to help workplace parties better understand their roles and responsibilities so that everyone remains safe at work. The OHS Knowledge Base is a centralized database for knowledge management – used to optimize the computerized collection, organization, and retrieval of electronic knowledge. The site has categories related to the OHS legislation, Hazard Alerts, Frequently Asked Questions (FAQ's), annual reports and more. The OHS Knowledge Base will continually be updated to help clients and stakeholders. Through stakeholders' feedback, the OHS Division would like to make the OHS Knowledge Base a "one-stop" site for OHS information.

- Provision of an e-Newsletter distributed to clients and stakeholders province-wide. The intent of the e-Newsletter is to increase OHS awareness and keep readers abreast of hazards brought to the attention of the Division, emerging issues and trends, general and legislative updates, etc.

- Distribution of pamphlets and information cards relating to administrative penalties. Additional pamphlets were created and distributed to workplace parties during OHS officer inspection activities. These pamphlets describe what an officer looks for during an inspection and also how to recognize and respond to workplace hazards. This information was also included on the Division primary website as well as the OHS Knowledge Base website.

- Five (5) Hazard Alerts were developed and circulated/recirculated to clients and stakeholders through the Division's e-Newsletter and websites relating to:

    - Vibration Exposure
    - Diazamethane; Trimethylsilydiazomethane
    - Blue Light: Dental Offices
    - Silica Exposure
    - Chain Shot – Mechanical Harvester/Logger

- The Division continued its' relationship with the Canadian Centre for Occupational Health and Safety (CCOHS) to provide the availability of an online Inquiry Service to answer questions regarding workplace health and safety. This free service is available in, both, English and French and may be accessed at www.ccohs.ca/ccohs/inq.htm.

- The Division produced and distributed OHS Rights and Responsibilities cards in Spanish to workplaces that employ Temporary Foreign Workers.

- Division staff participated on a committee lead by Film Nova Scotia, which was formed to develop an industry-wide OHS Code of Practice.

QUALITY MANAGEMENT

The Quality Management System (QMS) is flourishing in the Division. A new QMS Manual was launched that, among other things, outlines management's commitment to quality and a new process for internal audits. Internal policies and procedures are reviewed and updated. The Division's dedication to QMS is reflective of the leadership from within the organization.

TRAINING

The Division supported the continued development of staff through their attendance of professional conferences and university education programs. Qualified staff were also supported in time and funding to prepare for and write the Canadian Registered Safety Professional (CRSP) exam, all of whom were successful in obtaining the nationally-recognized professional designation.

INFORMATION TECHNOLOGY/MANAGEMENT

The Division started User-Acceptance Testing (UAT) of Cognos, an IBM data warehouse package that has been integrated with the Activity Tracking System (ATS). Cognos will allow Division staff to create and run a variety of ATS reports through a web-based user interface, thus enhancing the accessibility and reliability of ATS data.

Efforts continued on a number of project enhancements to the ATS, including:

- preliminary work was completed on the OHS data exchange for Temporary Foreign Workers with Citizenship Immigration Canada and Human Resources and Skills Development Canada (HRSDC);
- development of a link to the STAR/STOR records management program (Filenet) to ensure records in, both, the ATS and the Central Registry office comply with the retention schedule as required by corporate policy;
- Amendments to Administrative Penalty documentation;
- Updating Amanda.exe and Mobile to new version;
- Administrative Penalty checklist was added to the ATS;
- OHS Division's proposed restructure from 4 regions to 3, required several related changes to the ATS; and
- Amanda 5.0 Demo has been completed.

EMPLOYEE HEALTH AND SAFETY

The Division takes its own OHS responsibilities seriously. Incidents are reported and investigated according to the Department's OHS Program. Where opportunities for improvement are identified, they are acted upon in a timely and appropriate manner.

Given the nature of the tasks assigned to field-related staff, the Division supported the creation and ongoing development of a Critical Incident Stress Management (CISM) internal committee that is peer-driven. The committee provides ongoing support to staff that involved in stressful work-related activities.

CLIENT SERVICE MANAGEMENT

The Division conducts surveys to better understand the quality of service provided to clients. The surveys are conducted through two channels: 1) email directly to clients; and 2) paper mail-outs to clients that have been recently inspected.

Improvements are being reviewed internally so that the Division is able to better understand the response-ratio. Although the client satisfaction is very high, the Division is currently unable to verify the percentage feedback received compared to the number of surveys distributed. Consequently, the Division cannot accurately rely on the satisfaction statistic currently produced.

PARTNERSHIPS

The objectives of the Division are to work with our partners to reduce the incidence of injury and illness of employees, improve the understanding of occupational health and safety standards by all workplace parties, and improve health and safety conditions in the workplace by means of research, inspection, investigation and enforcement of legislation. In so doing, the Division encourages healthy partnerships as a key opportunity to help create and maintain safe and healthy workplaces, many of which are identified below (see Committees and Projects).

The Workplace Safety and Insurance System (WSIS) includes workers, employers, the agencies—Workers' Advisers Program (WAP), Workers' Compensation Appeals Tribunal (WCAT), Occupational Health and Safety (OHS) and the Workers' Compensation Board of Nova Scotia (WCB) - and others that provide services in the System. Since its inception in 2005, agencies and stakeholders of WSIS have been working collaboratively to advance the strategic goals and objectives of the system, which include:

- improve outcomes for workers and employers;
- improve service delivery;
- ensure effective governance of the System; and
- ensure financial sustainability of the System

COMMITTEES AND PROJECTS

Division staff continued to participate on many committees and project initiatives, thus demonstrating the commitment of, both, individual staff and the organization to promote OHS awareness and professional development. Details on the committees and projects may be seen below:

Committees

- Advisory Group on Radon
- Business Continuity Committee
- C-45
- Canadian Chief Mine Inspectors Committee
- Committee to Review Summary Proceedings Act
- Critical Incident Stress Management (CISM)
- CRSP Committee
- Canadian Standards Association (CSA) Technical Committees:
- CSA - Aerial Devices
- CSA - Industrial Protective Headwear
- CSA - Injury Risk Assessment and Management
- CSA - Machinery Lockout and Hazardous Energy Control
- CSA - Occupational Hearing Conservation
- CSA - OHS Management
- CSA - Occupational Diving
- CSA - Portable Ladders
- CSA – Ergonomics
- Executive Management Team
- Film Nova Scotia
- Code of Practice Committee
- Fisheries Safety Association of NS
- Fisheries Safety Association of NS Sub-Committee
- Fishing Safety Working Group
- Forestry Safety Committee
- French Language Committee
- Enforcement Training Team
- Initiatives Tracking System (ITS) Working Group
- John T Ryan Committee
- Joint Occupational Health and Safety Committee (JOHSC)
- Knowledge Base/Internet Committee
- New Officer Training Program (NOTP)
- North America Occupational Safety and Health (NAOSH)
- NS Farm Health and Safety Committee
- NS Trucking Safety Association
- NS/NB Mine Rescue Standards Committee
- OHS Advisory Council
- One Window Mining
- Pandemic Committee
- Policy, Planning & Professional Services / OHS Team Meetings
- Safety Service NS – Board of Directors
- Senior Management Team
- SMT Labour and Employment Policy Committee
- Society of Farm Safety NS
- Underground Coal Mining Safety Research Collaboration (UCMSRC)
- Workplace Safety and Insurance System (WSIS) – Heads of Agency Committee (HAC)
- Workplace Safety and Insurance System (WSIS) – Joint Committee OHS/HRSDC/WCB
- Workplace Safety and Insurance System (WSIS) – Stakeholder Liaison Committee

PROJECTS

- Life Event Bundling Project
- Ergonomics and MSI
- Youth Education
- OSGR Revision (re: FPSR)
- New Workplace Health and Safety Regulations
- OHS Environmental Scan
- OHS Health Regulations (General)
- Ageing Workers
- New Workers
- Working Alone
- Liquefied (LNG) Natural Gas Regulations
- JOHSC Regulations
- Quality Training Working Group

GLOSSARY OF TERMS

Name/Acronym	Explanation
Act	*Occupational Health and Safety Act*
Advisory Council	Occupational Health and Safety Advisory Council
Department	Department of Labour and Advanced Education (also see "LAE")
Division	Occupational Health and Safety Division of LAE
HRSDC	Human Resources and Social Development Canada – Labour Program
IRS	Internal Responsibility System *(the foundation of the OHS Act)*
ITIS	Investigations, Technical and Internal Services (OHS Division)
JOHSC	Joint Occupational Health and Safety Committee
LAE	Department of Labour and Advanced Education
OHS	Occupational Health and Safety
SIC	Standard Industrial Classification *(a number assigned to companies within the same industry)*
WAP	Workers' Advisors Program
WCAT	Workers' Compensation Appeal Tribunal
WCB/WCBNS	Workers' Compensation Board of Nova Scotia
WSIS	Workplace Safety and Insurance System comprising the Division, WCB, WCAT, WAP, and, participating as appropriate, HRSDC

DEPARTMENT STRUCTURE

The Labour and Advanced Education (LAE) Department currently encompasses the following Branches and Divisions:

Office of the Minister and Deputy Minister	
	Office of the Minister
	Office of the Deputy Minister
	Communications
Advanced Education	
	Post-Secondary Disability Services (PSDS)
	Private Career Colleges
	Student Assistance
	Universities & Colleges
Labour Services Branch	
	Conciliation and Labour Tribunals
	Labour Standards
	Pension Regulations
	Workers Advisors Program
Policy, Planning and Professional Services Branch	
	Federal/Provincial Relations and Research
	Policy and Planning
	Professional Services
Safety Branch	
	Technical Safety
	Office of the Fire Marshal
	Occupational Health and Safety
Skills and Learning Branch	
	Adult Education
	Apprenticeship Training
	Employment Nova Scotia
	Workplace Initiatives
Volunteerism	
	Volunteerism and the Voluntary Sector

DIVISION STRUCTURE

To meet its objectives, the OHS Division has been organized into two (2) distinct sections: Inspection and Compliance Services (ICS) and Investigations, Technical and Internal Services (ITIS).

ITIS houses three (3) sections that include Technical Services, Investigations Unit and Internal Services. ICS, which houses the OHS officer field inspection staff, is divided into four (4) regions: Cape Breton, Northeast, Central and Southwest. A more detailed description of the various parts of the OHS Division is shown below.

Visit *Appendix A - OHS Division Organization Chart* for the Division's organization structure.

INSPECTION AND COMPLIANCE SERVICES (ICS)

The division staff generic Occupational Health and Safety Officers. The allocation of direct-to-client services is provided on a regional basis, as referenced previously.

The officers provide core services to promote safe and efficient work practices, which include ensuring compliance with existing regulations, codes and standards (under the Occupational Health and Safety Act).

Staff provide specialist services to identify hazards (which employees are subjected to in the work environment), education to health and safety professionals and the public regarding health and safety hazards, and the interpretation of the applicable regulations and standards.

TECHNICAL SERVICES (ITIS)

The Technical Services section provides technical expertise in the areas of Occupational Hygiene, Mining, Blasting, Radiation, Oil & Gas, and Paralegal services.

In addition to these core competencies, Technical Services staff respond to a broad range of technical queries on topics that require in-depth research and competence in areas of chemistry, physics, mechanics, electricity and electronics. Questions of compliance with the occupational hygiene and technical requirements of the *OHS Act* and Regulations often require fast turn-around of responses to workplace queries and incidents so that workplaces can continue to operate effectively, while ensuring the health and safety of persons at or near the workplace. A staff paralegal is available to conduct legal research and prepare case files in support of appeal matters and legal proceedings.

INVESTIGATIONS UNIT (ITIS)

The Investigations Unit conducts complex investigations of serious workplace incidents. Examples include: work-related fatalities, serious injuries, toxic exposures, discriminatory actions, catastrophes. These span all 18 provincially-regulated sector areas including industrial, construction, institutional, forestry, fishery, mining (etc.) as assigned.

INTERNAL SERVICES (ITIS)

Internal Services is the administrative and technical support section that ensures all incoming calls, inquiries, and requests to the OHS Division are responded to in a timely manner.

This section is also responsible for ensuring that the division's Activity Tracking System is functional 24/7, thus enabling staff to record and track activities such as inspections, investigations, education/consultation and other pertinent information.

Internal Services staff also produce statistical and operational reports and assist with policy review and development, while working with stakeholders such as WCB and other government and non-government entities to monitor trends within the various industry sectors.

STAFFING

STAFF COMPLEMENT

The Division has the following full-time equivalent (FTE) staff positions to ensure its priorities are appropriately and adequately met:

Position	# of Staff
Executive Director, OHS Division	1
Provincial Director, ITIS	1
Regional Directors	4
Managers	3
Quality/Project Manager	1
Special Investigators	5
OHS Officers	31
Occupational Hygienists	4
Mining Engineers	2
OHS Engineer	1
Policy Officer	1
Administrator, Administrative Penalties	1
IMS Administrator	1
Computer Services Officer	1
Information Specialist	1
Paralegal	1
Administrative Support	7

STAFF DEVELOPMENT

Several staff participated at various conferences during this fiscal year, including:

- Partners in Prevention Conference (Ontario);
- Safety Services Nova Scotia Annual Conference;
- CSA Electrical Safety Conference (Nova Scotia);
- AIHA Conference (Nova Scotia);
- Coal Collaboration Conference (Alberta); and the
- CSA Conference (British Columbia).

Staff members were also given support (funding and time) to enroll in OHS Certificate programs as well as a Quality Management–related and Policy Formulation programs at local Universities. In addition, several staff members volunteered to deliver presentations across the province to workplace clients as well as industry association meetings, all in the interest of promoting OHS awareness and voluntary compliance, as well as fostering positive working relationship between clients/stakeholders and the OHS regulator. Staff also participated in various in-person and webinar educational sessions relative to Bacteriology, Mould, Ethics, HazMat, Allergens, Critical Incident Stress Management and Global Harmonization Systems.

Further, a staff member was selected by the Government of Canada to attend the Conference of the Andean Nations at Lima, Peru to deliver a keynote address and provide consultation on OHS public policy experience in Canada with the goal to assist the Andean Nations (Peru, Bolivia, Ecuador and Columbia) to agree upon a Resolution that would be adopted by all four countries.

A staff member was invited by the Government of Canada to deliver a week-long "Train-the-Trainer" program, taught to ILO Standards, to government, industry and labour representative of the Organization of Eastern Caribbean States at St. Lucia, West Indies. The program was very well received and highly publicized through the media in St. Lucia, reflecting positively on Nova Scotia.

In addition, a staff member was provided time off work to attend an education program at Harvard University entitled *Strategic Management for Regulatory and Enforcement Agencies*.

Two (2) training sessions were held for staff to ensure the consistency of service provided and to update the Officers on current and future changes to legislation, policy and procedures. The first event was one week long and took place during the spring in Baddeck, Nova Scotia. This event involved the majority of staff and concentrated on current events, the proposed amalgamation of regulations and the hazards associated with dust collection systems. The second meeting was a series of two day regional meetings to discuss areas of common concern and legal obligations. Both events were well attended and well received by staff.

During the period, 13 new staff completed a six month New Officer Training Program, which includes a period of mentoring by a senior OHS Inspector, where appropriate. Participants included 3 managers, 4 investigators and 6 OHS inspectors.

PROGRESS ON LAE PRIORITIES

In addition to the activities undertaken by the Division relative to its three (3) key objectives reflected previously, the Division pursued (5) specific issues in support of the LAE priorities, which included the following:

1. maintain laws to reflect current workplace practices and technology;
2. develop partnerships to further the goals and objectives of the OHS Division and Department, while maximizing LAE's capacity;
3. LAE/WCB alignment;
4. building compliance capacity and culture; and
5. identifying and implementing effective solutions.

Core business area priorities were identified in the Division's operations plan and the following activities highlight the support provided by the Division towards LAE's priorities:

- inspection of workplaces;
- investigate accidents and complaints;
- improve compliance and raise awareness of the OHS legislative requirements;
- develop IRS strategy, promote the IRS among clients and in general;
- ensure relevant and up-to-date regulations by researching new regulations and update existing regulations;
- refine targeting system to ensure inspection and enforcement activities are focused on where it is needed most (collaboration with WCB);
- assist in the continuance of OHS education in the public school system beyond the pilot project phase;
- develop or update laws (4):
    - Occupational Heath and Safety General Regulations/FPSR/TWTCR/OHR/LNG;
    - Amend Offshore Accord Act;
    - Offshore Accord OHS Regulations (new); and
    - Liquefied Natural Gas OHS Regulation.
- Quality training review;
- enhance the development of the New Officer Training Program (NOTP) and provide staff access to quality training as required;
- review Safety Branch operations;
- consult on ergonomics;
- support WSIS initiatives;
- support interagency committees;
- consultation on renewed Workplace Safety Strategy; and
- temporary foreign workers.

PROGRESS ON WSIS GOALS AND OBJECTIVES

Nova Scotia Workplace Safety and Insurance System (WSIS) is a collaboration of government, agencies, advisory councils, working groups, and those that the system serves (workers and employers) – all working together toward a common vision.

There are two (2) Departments that play a role in WSIS, (1) Labour and Advanced Education (LAE), and (2) Justice. LAE is responsible for Parts I and III of the *Workers' Compensation Act* and for the *Occupational Health and Safety Act*. As per the *Workers' Compensation Act*, the Minister is responsible for the appointment of the Chair and the representative members of the Board of Directors of the Workers' Compensation Bard and for the appointment of the Chief Advisor of the Workers' Advisors Program. As per the *Occupational Health and Safety Act*, the Minister is directly responsible for the Occupational Health and Safety Division.

The Minister of Justice is responsible for Part II of the *Workers' Compensation Act* and for the selection of the Chief Appeal Commissioner of the Workers' Compensation Appeals Tribunal.

The OHS Division is a partner of WSIS and, as such, has systemic goals and objectives to strive toward. One of these goals is to *improve outcomes for workers and employers by reducing workplace injuries.* WSIS strives to achieve this objective by:

1. Increasing worker and employer awareness and knowledge of rights, responsibilities, risks and best practice related to illness and injury prevention.

2. Encouraging positive health and safety attitudes and behaviours.

3. Increasing compliance with legislative standards

4. The adoption of best practices to improve health and safety outcomes.

During the period, WSIS initiatives focused on:

- issue resolution;
- health and safety awareness;
- increasing capacity in the system; and
- recognition of health and safety champions.

The annual Issue Resolution Consultation garnered positive discussion among stakeholders, continued the development of the safety association for the farming sector and the stakeholder counselor programs (such as the Office of the Worker Counselor and the Office of the Employee Adviser) became permanent, active programs in WSIS.

THE JOINT COMMITTEE

One of the existing committees of WSIS is the Joint Committee, which is a standing committee of the Heads of Agencies Committee (HAC) and is comprised of representatives from the WCB, OHS-LAE, and HRSDC.

The following initiatives are lead or monitored by the Joint Committee:

Initiative	Comments
Education	(1) Completion of Healthy Living 9 pilot, teacher and student review, and implementation of the program in the spring term of the 2010-11 school year. All targets were met for this program. (2) New safety resources for educators, including worksafeforlife.ca; somanyways.ca, Rod Stickman as a teaching tool, CD resource packs for teachers (provided) (3) Trends and considerations for future discussion, such as OHS content in Labour Market Agreement's "Works for You", further work with NSSAL, and adding OHS content to business applications such as ACOA's SEED capital grants. (4) In collaboration with the Private Career Colleges (PCC) Division, the OHS Division and the WCBNS is committed to working with PCC operators and educators to develop workplace health and safety learning and teaching resources appropriate for integration to the curriculum of each college. Immediate next steps include design of an 8-10 hour generic OHS module for all PCC.
IRS	The components of the strategy have been defined. Release to be discussed with the development of the workplace safety strategy in 2012-13.
Ergonomics	The consultation paper is still in the draft stage and awaiting distribution. Release to be discussed with the development of the workplace safety strategy in 2012-13.
Quality Training	The stakeholder working group has reported on both training course content and provider quality assurance/control. Additional information was collected during the period and the issue is to be discussed with the development of the workplace safety strategy in 2012-13.
Targeting Program	Work on the permanent targeting program between staff from WCB and the OHS Division (LAE) continues. The preliminary results indicate that where targeted services are provided workplace accidents have decreased. A working group was struck to create a permanent Terms of Reference for the program which were designed to include emphasis on performance measures, the need for flexibility (within the application of the programs), and the need to create effective avenues of communication for all involved.
Communications Alignment	Staff from the OHS Division (LAE) and WCB continue to collaborate efforts in social marketing. Initiatives include: (1) General Awareness/Back Protection Agents: The general awareness program was revamped in the form of the Back Protection Agents (our co-branded campaign that urges workers and employers to prevent back injuries). The program was supported by radio spots, print ads, a website presence, television ads, and an interactive component that allowed people to make a pledge to do something to prevent back injuries by becoming a Back Protection Agent (at which time they received a special agent card). (2) Youth Programming: The multi-media campaigns targets at youth were maintained throughout the period during the late spring and summer (when youth were seeking employment).

2011 MAINSTAY AWARDS – RECOGNIZING EXCELLENCE

Nova Scotia's leaders in workplace safety are recognized for their positive contribution to the province's safety culture with the annual Mainstay Awards.

In its third year, the Mainstay Awards, sponsored by the Workers' Compensation Board of Nova Scotia (WCB) and the Nova Scotia Department of Labour and Advanced Education (LAE), celebrate excellence in occupational health and safety, injury prevention and return-to-work programs.

Mainstay Awards – 2011 Winners	
Safety Award of Excellence	
	Edmonds Landscape and Construction Services Limited
Safety Award of Excellence: Individual	
	Peter Hollett, Halifax Harbour Bridges
Safety Transformation	
	Irving Shipbuilding Inc.
Individual Safety Champion	
	Karla Hamilton, Ultra Electronics Maritime Systems
Employer Safety Champion	
	Aecon Atlantic Group
	Sobeys
Employer Return-to-Work Champion	
	Cape Breton District Health Authority
	Sobeys
	Clearwater Seafoods Limited Partnership

WSIS continued with its activities in support of the industry based safety associations in the province including:

- Nova Scotia Construction Safety Association
- Forestry Safety Society of Nova Scotia
- Nova Scotia Trucking Safety Association
- Retail Gasoline Dealers Safety Association
- AWARE-NS (Nova Scotia Health + Community Services Safety Association)
- Nova Scotia Automobile Dealer Safety Association
- Fisheries Safety Association of Nova Scotia
- Farm Safety Nova Scotia

PROGRESS ON THE 2005 OHS DIVISIONAL PRIORITY LIST

In July 2005, the Minister identified the Division's priorities for the next several years. The progress on those priorities as of March 31, 2012 is described below.

Priority	Status	Comments
Repeal Radiation-Emitting Devices Regulations	Completed 2005/06	
Create Governance and Accountability Framework for WSIS	Completed 2005/06	Done in cooperation with WSIS partners.
Diving Strategy	Completed 2006/07	Strategy completed, including: • Province-wide education sessions • training enabled through partners • guidance and plain language documents • regulations
Create strategy to address workplace violence	Completed 2007/08	Strategy completed, including: • Province-wide education sessions • social marketing • guidance and plain language guides • codes of practice • regulations
General Blasting Regulations	Completed 2007/08	Review of technical regulations completed and blaster certification transferred to Apprenticeship Training and Skill Development Division.
Add high hazard offences as Summary Offence Tickets	Completed 2007/08	Department of Justice advises that the wording of the current regulations precludes the creation of Summary Offence Tickets. SOTs will be considered as each regulation is updated and the wording is changed.
Create strategy to promote the Internal Responsibility System (IRS)	Completed 2011/12	Discussion paper issued and comments gathered. Strategy completed but not released.
Underground Mining Regulations	Completed 2008/09	Regulations passed.
Create strategy to address Liquefied Natural Gas Regulations	Completed 2008/09	Regulations to be presented to Cabinet in 2011/12.
Create appropriate OHS regime in the offshore area	Completed 2011/12	Funding content agreed to by the federal government and Newfoundland and Labrador.
Create strategy to address ergonomic injuries	Completed 2011/12	Created self-help documents. Collaborated with WCB on ergonomics booklet and services. Included in workplace safety strategy development.
Create strategy to address chemical and physical agent exposure	Completed 2011/12	Participated in efforts to update WHMIS laws to harmonize with the Globally Harmonized System and included in workplace safety strategy.
Create strategy to address falls from heights	Completed 2009/10	Working group submitted recommended changes to the FPSR. Revised regulations to be presented to Cabinet 2012/13 in conjunction with the Workplace Health and Safety Regulation consolidation initiative.

LEGISLATION REVIEW

A report on the current status of review and development of legislation is highlighted below.

Legislation	Status (#)	Timeline/Comment
Occupational Health and Safety Act	Stage 14 – Evaluation and Review	Act under continuous review vis-à-vis other statutes and regulations
Offshore Petroleum Accord – OHS Law Reform	Stage 11 – Final Review and Approval	Proposed revision being discussed. Final agreement on content reached at working committee level.

REGULATION REVIEW

A report on the current status of review and development of regulations is highlighted below.

Regulation	Status (#)	Timeline/Comment
Administrative Penalty Regulations	Stage 1- Issue Analysis	Revisions are being considered.
Blasting Safety Regulations	Stage 14 – Evaluation and Review	No revisions being considered. Evaluation and review.
Disclosure of Information Regulation	Stage 14 – Evaluation and Review	No revisions being considered. Evaluation and review.
FPS Regulations	Stage 9 – Consultation/Revise Regulations and Cabinet Package	Produce revised regulation. Include content in WHSR 2012 introduction.
Liquefied Natural Gas Regulations	Stage 12 – Submit Cabinet Package for Cabinet Approval	Introduction of LNG regulations – finalized draft and documents.
Occupational Diving Regulations	Stage 14 – Evaluation and Review	No revisions being considered. Evaluation and review.
Occupational Health Regulations	Stage 2 – Decision to Proceed	Review proposed to begin 2012/13. Include current content in WHSR 2012 introduction.
OHS Appeal Panel Regulations	Stage 14 – Evaluation and Review	Revisions are being considered.
OHS First Aid Regulations	Stage 14 – Evaluation and Review	No revisions being considered. Evaluation and review.
Occupational Safety General Regulations	Stage 9 – Consultation/Revise Regulations and Cabinet Package	Housekeeping revisions - comments being considered and prepared for in 2012.
Temporary Workplace Traffic Control Regulations	Stage 9 – Consultation/Revise Regulations and Cabinet Package	Review completed 2010/11. Include content in WHSR 2012 introduction.
Underground Mining Regulations	Stage 14 – Evaluation and Review	No revisions being considered. Evaluation and review.
Violence in the Workplace Regulations	Stage 14 – Evaluation and Review	No revisions being considered. Evaluation and review.
Workplace Hazardous Materials Information System Regulations	Stage 3/8 – (3) Consultation, (8) Approval to Consult/Proceed	Begin additional work based on the federal provincial national consultation. Expert project completion by June 2015.
Offshore Accord OHS Regulations (Accord Act)	Stage 2 – Decision to Proceed	Begin work on comprehensive OSH regulation for offshore area.

*"Stages" refer to the OHS Division Issue Management Process of which there are a total of 14 stages.

PROGRESS ON THE 2011/12 LAE STATEMENT OF MANDATE PRIORITIES

In finalizing its 2011/12 Statement of Mandate, the Department established strategic priorities. The priority specifically address by the Division is:

Nova Scotians will have safe, healthy and supportive workplaces and communities.

In support of the Department's Statement of Mandate and the WSIS objectives, the Division responded with the following corresponding initiatives and activities:

1. *Increase worker and employer awareness of rights, responsibilities, risks and best practices related to illness and injury prevention.*
    - The Division developed and distributed informational and educational material aimed at raising awareness.

2. *Encourage positive health and safety attitude and behaviours.*
    - The Division supported and participated in several occupational health and safety-related conferences and workshops including those hosted at or by:
        - Threads of Life
        - Construction Association of Nova Scotia
        - Canadian Society of Safety Engineers
        - Safety Services Nova Scotia
        - Nova Scotia Road Builders' Association
        - Worker's Compensation Board of Nova Scotia
        - Retail Association of Nova Scotia
        - Chamber of Commerce – Barrington & Area
        - Chamber of Commerce – Springhill & Area
        - Roofing Contractors Association of Nova Scotia
        - Wood Products Manufacturers' Association of Nova Scotia
        - Cape Breton Building Trades Council
        - Nova Scotia Power National Conference

3. *Increase compliance with legislative standards and the adoption of best practices.*
    - The Division actively engaged a stakeholder working group to provide feedback on proposed changes to the Fall Protection & Scaffolding Regulations. Further activity occurred on a new *draft* "Workplace Health and Safety Consolidated Regulation", anticipated to be effective in the Spring 2013.

4. *Improve health and safety outcomes.*
    - The Division continues to work with its WSIS partners in order to achieve continuous improvement in safety outcomes. Key activities included participation on the:
        - Joint Committee meetings (involving the Division, WCB, and HRSDC)
        - Heads of Agency Committee (comprising senior management of the Division, WCB, and HRSDC)
        - WSIS

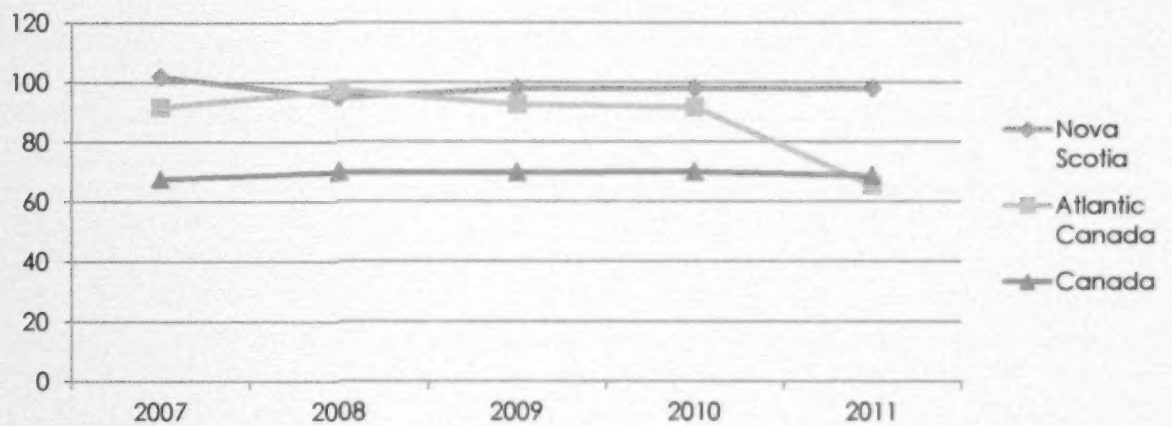
The Division measures its performance in four (4) ways:

1. outcomes and outcome measures established for the Division in the Department's Statement of Mandate.
2. outcomes and outcomes measures established for the Division through the WSIS process.
3. compliance with our Quality Management System (QMS) objectives; and
4. client satisfaction surveys.

The Division is accountable for meeting the outcomes and measures noted in the Department's 2011/12 Statement of Mandate, as highlighted and reported on, and as depicted in the following graphs and charts.

AVERAGE DURATION OF LOST-TIME CLAIMS (COMPARED TO THE ATLANTIC CANADA AVERAGE)*

Measure:	Average duration of Workers' Compensation lost-time claims compared to the Atlantic Canada and Canada averages.
LAE Target:	Maintain or decrease the average number of compensable days relative to the Atlantic Canada and Canada averages.



Data:	2007	2008	2009	2010	2011
Nova Scotia	102	95	98	98	98
Atlantic Canada	91.8	97.52	92.66	91.8	65.5
Canada	67.74	68.98	69.81	70	68.7

* Data available for Atlantic Canada for calendar year 2011only reflects NS, NB and PE. Canada data reflects all jurisdictions who currently reported on this measure (BC, NB, NS, and PEI).

For more information, visit *Appendix C – 2011/12 LAE Statement of Mandate Performance Measures Detail.*

Description of Target, Trend, Comparison or Benchmark

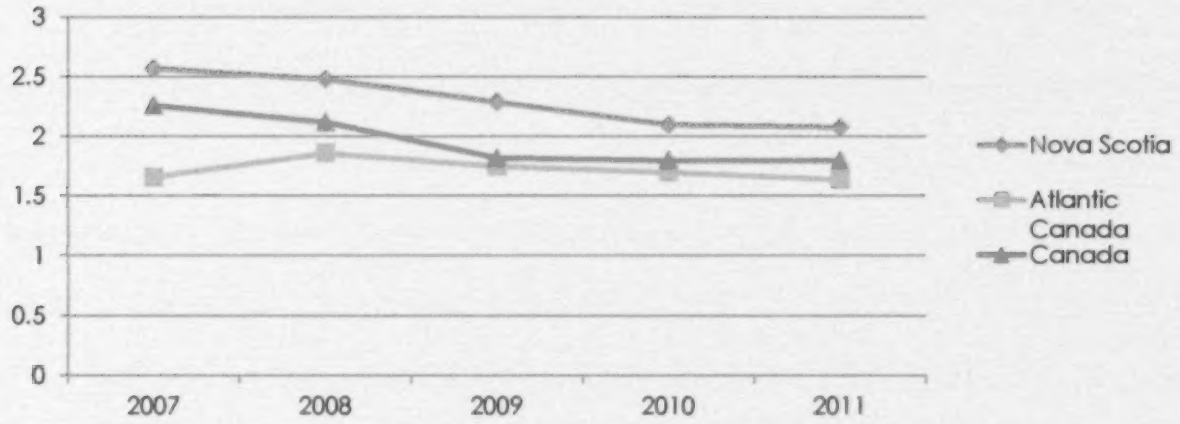
The Nova Scotia average duration of loss-time claims in calendar years 2009 – 2011 inclusive remained unchanged, while the Atlantic Canada average reduced slightly.

Strategies to Achieve Target:

- Continue to collaborate and partner with WCB to identify and strategically target industry sectors and clients with high accident and illness experience.
- Collaborate and partner with WCB to proactively identify and respond to upward accident/illness/claim frequency trends involving specific businesses and industry sectors.
- Continue partnership initiatives with the WCB to increase OHS promotion and education across industry sectors.
- In collaboration with WCB and HRSDC, continue to research and maintain a targeted risk-based inspection strategy based on key elements: compliance history, accident/injury/illness cost, accident/injury/illness frequency, and accident/injury/illness severity.

ANNUAL AVERAGE NUMBER OF NEW REGISTERED WCB LOSS TIME CLAIMS PER 100 EMPLOYEES (COMPARED ATLANTIC CANADA/CANADA AVERAGE)*

LAE Target: Maintain or decrease the number of WCB loss time claims compared to the Atlantic Canada and Canadian averages.



Data:	2007	2008	2009	2010	2011
Nova Scotia	2.57	2.48	2.29	2.1	2.08
Atlantic Canada	1.66	1.86	1.75	1.70	1.64
Canada*	2.26	2.12	1.82	1.80	1.80

* Only 5 of the 12 jurisdictions have reported to date.

For more information, visit *Appendix C – 2011/12 LAE Statement of Mandate Performance Measures Detail.*

Description of Target, Trend, Comparison or Benchmark

In 2010 the injury rate for time-loss claims per 100 covered employees was 2.1. In 2010, that number decreased to 2.08. The injury rate has continued its downward trend over the last five year period.

Although the trend for loss time accident claims continues to decrease, we would like to be at or below the national average, or at least be below the Atlantic Canada average. Together with the

WCB and other Workplace Safety Insurance System partners, the department will continue to identify high accident firms and sectors, and frequent types of accidents. The department will use this information to target compliance promotion activities and inspections more effectively.

Strategies to Achieve Target

- Continue to collaborate and partner with WCB to identify and strategically target industry sectors and clients with high accident and illness experience.
- Continue partnership initiatives with the WCB to increase OHS promotion and education across industry sectors.
- Continue to develop a targeted risk-based inspection and education system.

QUALITY MANAGEMENT SYSTEM OBJECTIVES AND TARGETS FOR 2011/12

Objective	What We Measured	Target	2008/09	2009/10	2010/11	2011/12
Ensure Client Satisfaction	1. Average client satisfaction based on requested feedback from clients on the Division's services and products, such as publications and inspection surveys.	75%	85%	94%	82%	82%
	2. Requests for service (complaints) recorded in the ATS will be closed within 7 calendar days from receiving them.	70%	43%	55%	57%	65%
	3. Written complaints against staff.	<10	8	3	4	4
Ensure Timeliness	6. Work refusal investigations will be completed with a decision made in 10 calendar days from the beginning of the investigation.	80%	97%	100%	90%	60%
	7. Compliance orders will be complied with within the time frame specified in the order (includes extensions).	80%	65%	63%	63%	64%
	9. Appeals to the Director will be decided within 6 months.	80%	75%	88%	95%	75%
	10. Drafts for publications (excluding laws) will be completed within one month of the start date.	80%	71%	83%	85%	85%

Ensure Effectiveness and Efficiency	11. Orders appealed to the Director are upheld (where the Director has made a decision based on the merits of an order).	80%	50%	75%	89%	67%
	12. Success rate in prosecutions = Guilty Verdicts/ (Total Guilty + Not Guilty Verdicts). This measure does not consider plea arrangements whereby individual charges are dropped by the Crown or dismissed by the Court in favour of a Guilty Plea.	60%	82%	91%	100%	100%
	13. Investigation files will result in at least 4 Hazard Alerts being issued.	20%	0.10%	3%	100%	100%
	14. Mandatory training for employees working in the Division for 12 months or more (includes retraining).	80%	35%	n/a	100%	100%

N/A = *Data not available or applicable.*

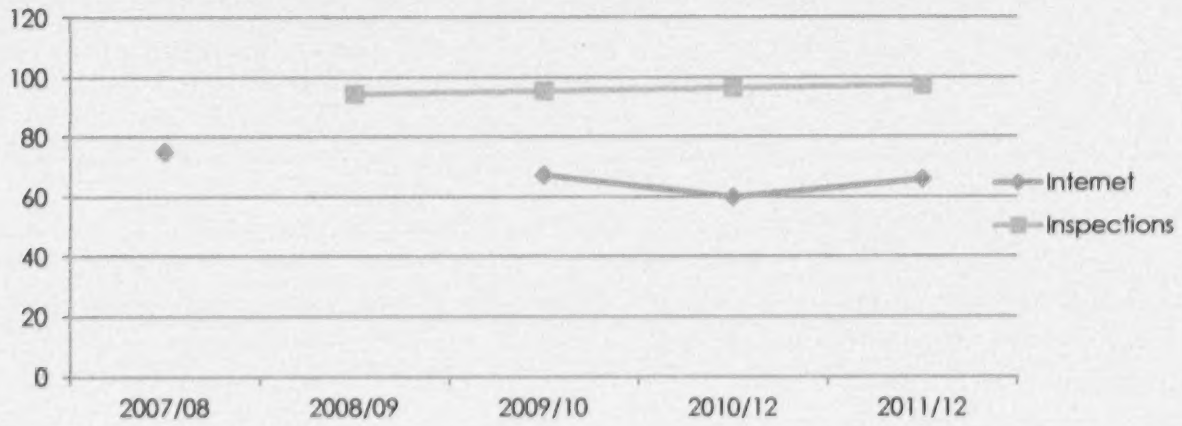
CLIENT SATISFACTION

The Division measured client satisfaction on two (2) of its services:

1. **Internet Survey(s); and**
2. **Inspection Activity Surveys**

The survey responses reflect the statistical findings as depicted in the following graph. For more information, visit *Appendix D – Client Satisfaction Measures*.

CLIENT SATISFACTION SURVEY RESPONSES



Data (%):	2007/08	2008/09	2009/10	2010/11	2011/12
Internet	75	N/A	67.4	60	66
Inspections	N/A	94.6	95.6	96.5	97.5

COMPLIANCE WITH THE *OHS ACT* AND REGULATIONS

COMPLIANCE BY DIVISION

The Act and regulations establish several requirements on the Division, as noted throughout this document and reported in qualitative and quantitative measurements. In all cases where the requirement was triggered, the Division met the requirement.

COMPLIANCE BY OUTSIDE ORGANIZATION*

Compliance with the Act and regulations by outside organizations is statistically monitored, primarily, through an IRS Checklist which is administered during certain categories of inspections.

The IRS Checklist results reveal the following summary statistics[1].

Internal Responsibility System Measure	% Meeting Previous Standard Firms with 20 or more employees only		% Meeting New Standard				
	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
OHS Policy and Program Issues	52.0%	74.0%	68.8%	71.3%	79.4%	83.6%	82.2
JOHSC Issues	49.0%	74.0%	62.2%	67.1%	77.1%	80.3%	83.5
Communication and Information	48.0%	73.0%	58.5%	59.0%	70.5%	75.2%	76.1
Training	N/A	N/A	57.5%	63.3%	73.7%	80.7%	77.0
Records	N/A	N/A	65.6%	69.0%	75.8%	79.6%	78.1

Visit *Appendix B – IRS Checklist* for additional detail.

There is a slight change in each of the five categories. Although the Division prefers to see a continual increase in awareness, knowledge and application surrounding IRS topics, it is relevant to note that the Division's strategic decision to prioritize (target) inspections based on preset criteria (e.g., accident/injury experience) it is not unexpected that these workplaces will present less compliance during inspection activities. However, focused attention on such workplaces will help to improve compliance and lessen the incidence of accidents and illness.

[1] Note that, with the implementation of the ATS in 2007/08, the questions used on the IRS checklist changed. Thus, while data from previous years is presented here, comparisons must be made with caution.

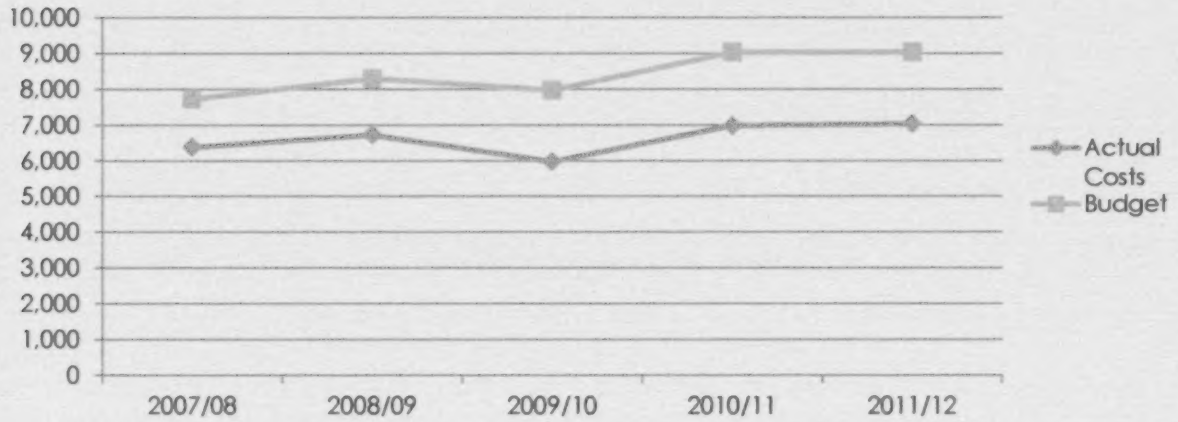
OPERATIONAL HIGHLIGHTS

RESOURCE MANAGEMENT

The Division's revenue came from two major sources – a statutory transfer from the WCB and an amount from the Government's general funds. As a result of sentencing by the Court, additional monies were directed to the Minister of Labour and Advanced Education Public Education Trust Fund.

Appendix E lists major funding contributions made by the Division.

DIVISION OPERATING COSTS



Data:	2007/08	2008/09	2009/10	2010/11	2011/12
Total Costs (Actual $000)	6,381	6,727	5,971	6,981	7,036
Budget	7,732	8,299	7,974	9,041	9,041

EDUCATION AND CONSULTATION

The clients that are served by the Division include:

- employees
- employers
- stakeholders of the Department - business, industry representatives, labour (unionized/non-unionized), NGO's, non-profit organizations, etc.
- senior officials in other government departments and senior officials within government
- government staff and agency staff from other jurisdictions (Provincial and Federal)
- general public
- service providers
- suppliers

The Division recognizes and appreciates the value of helping to create a greater awareness of occupational health and safety in all workplaces. In keeping with this position, the Division conducted several dozen education and awareness sessions to various industry sectors across the province, as well as delivered keynote addresses and presentations at industry and safety conferences. In addition, the Division facilitated the staff attendance at various provincial and national conferences and technical workshops, all with the interest of promoting greater inspectorate knowledge so that it can be shared with provincial workplaces. The Division also supported staff attendance at various university courses and programs as a means of encouraging professional development and growth. Key partnerships included Threads of Life (a not-for-profit national charity intended to help injured workers and families of deceased workers), Canadian National Institute for the Blind (CNIB) (promoting eye safety), and the WCB (through an enhanced targeted workplace system designed to help educate the workplace parties).

The Division maintains a strong interest in ensuring effective consultation on issues of legislation, both current and proposed. Clients and stakeholders have several ways through which feedback may be provided. They include:

- Minister's OHS Advisory Council (represented by employer and labour constituents)
- WSIS, conference and industry meetings and presentations
- OHS Division website (request for public feedback notification)
- E-Newsletter
- General e-mail

QUALITY MANAGEMENT SYSTEM (QMS)

The Occupational Health and Safety Division's operations are carried out in accordance with its Quality Management System (QMS). This system is reflected and supported by the policies, procedures and processes contained in the division's QMS documentation. Observance and compliance to this internal system is expected of all internal staff.

Updates of these internal processes have become a key focus - starting in November 2010 with the hiring of a full time Quality Manager/Project Manager. Over the past 17 months, a number of improvement projects have rolled out, including:

- a redesign of the Division's quality framework;
- various new QMS policies and procedures;
- analysis related to OHS Division compliance and risk identification;
- a quality program communication campaign (resulting in a restructure of the internal intranet and the roll out of a new "Quality Connection" quarterly internal staff newsletter);
- the creation of a new internal OHS Directory of Specialists; and
- the launch of the internal audit program.

CLIENT SERVICE MANAGEMENT

The management and staff of the OHS Division are committed to providing quality products and services to all clients and stakeholders. The key method used by clients is the use of our toll-free 1-800 number. The following table provides some detail as it pertains to the calls received.

Category	Calls Received				
	2007/08	2008/09	2009/10	2010/11	2011/12
# of Toll-Free Calls Received	4393	2472	2084	2205	2283
# of Inquiries					
English	646	1480	1462	1474	1238
French	**	**	1	4	8
Spanish	**	**	0	0	1
Broadcast Emails Sent	*	6	5	5	7
Average Recipients per Email	*	426	551	450	762

* Broadcast email service did not exist. ** Other language options were not available.

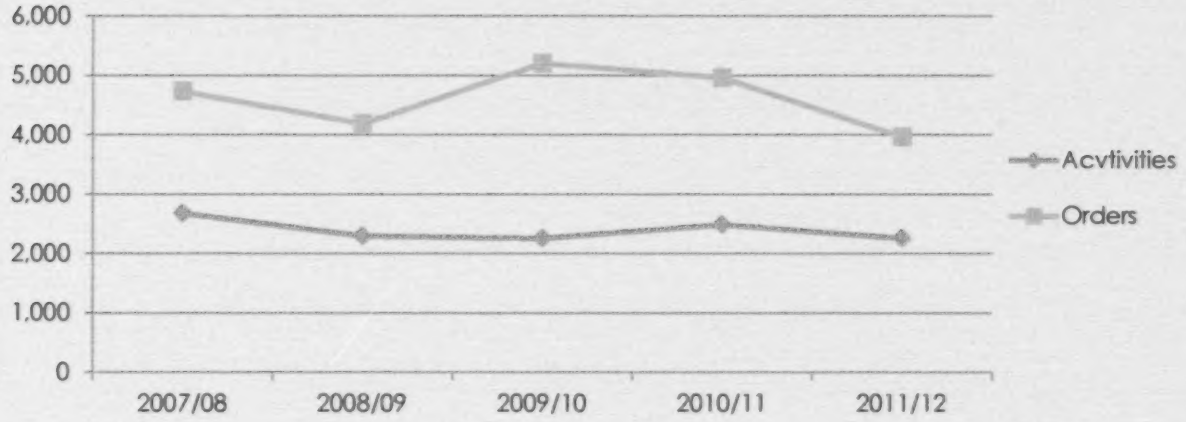
Note: These numbers represent only the calls received on the toll-free number. A significant number of queries are also received at the local Halifax number through the information e-mail address and the OHS Division's and provincial government's ASK Public Enquiries services. An effort will be made to capture these numbers for the 2012/13 report.

DIVISIONAL ACTIVITIES

The graph below depicts the number of activities (inspections/investigations) undertaken, as well as orders issued, by the Division. Appendix G gives more detailed statistics, including breakdowns of:

1. activities by type;
2. orders by law;
3. activities by Standard Industrial Classification;
4. complaint inspections by Standard Industrial Classification;
5. targeted inspections by Standard Industrial Classification;
6. orders by Standard Industrial Classification; and
7. ratio of Activities to Orders by Standard Industrial Classification.

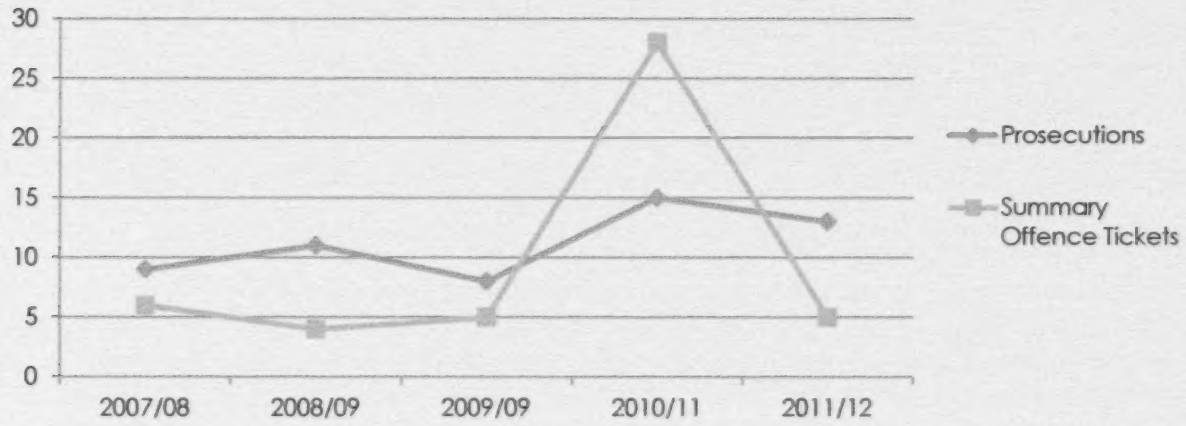
ACTIVITIES AND ORDERS



Data:	2007/08	2008/09	2009/10	2010/11	2011/12
Activities	2,678	2,297	2,259	2,489	2,258
Orders	4,732	4,189	5,204	4,961	3,964

PROSECUTIONS AND APPEALS

The below graph depicts the number of prosecution activities undertaken by the Division. *Appendix G – Prosecution Activity* provides additional statistics on decided cases.



Data:	2007/08	2008/09	2009/10	2010/11	2011/12
Full-Form Prosecutions Initiated*	7	11	8	15	13
Summary Offence Tickets Issued*	6	4	5	28	5

*Appendix G provides additional detail on decided cases. These statistics indicate the numbers of charges laid by Division staff, but not necessarily decided by the courts.

ADMINISTRATIVE PENALTIES

The Administrative Penalties came into effect on January 15, 2010. This monetary penalty is intended as a tool to promote compliance with OHS legislation.

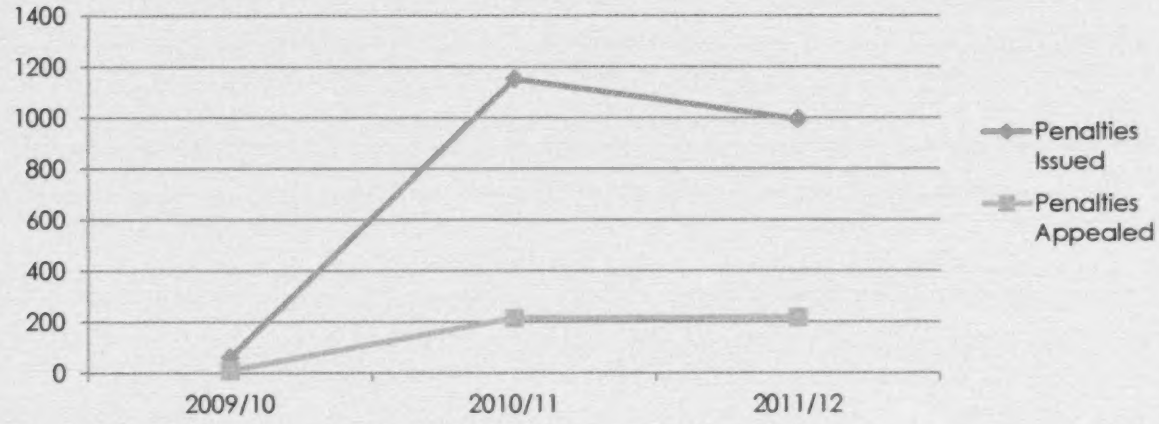
As the amount of data available for analysis is limited, it is too early to determine the actual effect that Administrative Penalties are having on raising awareness and the consequential increase in compliance and decrease in workplace injury. There has been some research and anecdotal information supporting this, but further study is required.

After the first year of this regulation coming into force, the Associate Deputy Minister, Jeff Conrad, Executive Director, Jim LeBlanc and Director ITIS, Vince Garnier, appeared before the Standing Committee on Public Accounts on October 19, 2011 to report on its experience to that point. The following is an excerpt from the Hansard Reporting Services transcript of Mr. Conrad's report:

> "We believe that Administrative Penalties has an effective and appropriate enforcement measure. We see in other provinces such as British Columbia, Manitoba and the Yukon that there are similar programs, and other jurisdictions are very interested in our model. For example, some of you may have recently heard of or are familiar with the Dean report, which is an Expert Advisory Panel on Occupational Health and Safety in the Province of Ontario. One of the recommendations of that advisory panel is that the Province of Ontario should implement an administrative penalty system and regulations similar to the one in Nova Scotia. So they've actually looked at our processes, the model that they've recommended in their province.
>
> We're also in the process, of course, of listening carefully to feedback that we've received during the first year of the Administrative Penalties process and we continue to do so with an eye towards approving the system. Any new system rollout, we're always looking for the opportunity to make it better and we certainly have some thoughts on how we could move forward into the future with this program to further create positive impacts on workplaces. Looking at the long term, we expect that Administrative Penalties will result in greater compliance, and will lead to fewer orders being written in Nova Scotia, and healthier and safer workplaces."

After the introduction of these penalties, there were a significant number of appeals. This was due, in part, to the fact that despite the efforts made to communicate the implementation, many people were unaware of the implications of this new process. Given the short period of time available to assess the trend, it is too early to tell whether there is a definite decline in appeals. This will be monitored to determine public awareness and acceptance of the regulation.

PENALTIES ISSUED/APPEALED

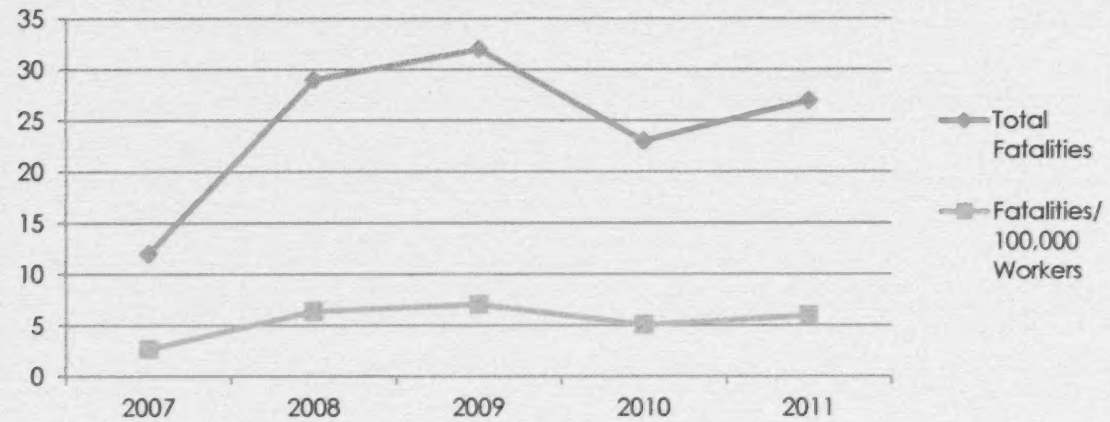


Data:	2009/10	2010/11	2011/12
Penalties Issued	61	1154	996
Penalties Appealed	11	215	218

For detail concerning the number of Administrative Penalties issued and appeals filed for the 2011/12 fiscal year, please reference *Appendix G - Key Divisional Activity Statistics Detail.*

FATALITIES

The 2011 numbers indicate a fatality rate of 5.96 per 100,000 employers while the five year average fatality rate was 5.53 per 100,000. The Division will continue to work closely with its WSIS partners, and others, to ensure a balanced mix of education and enforcement, so that the number of fatalities decreases.



Description	5 Year Average	2007	2008	2009	2010	2011
Fatalities Recorded During the Year	25	12	29	32	23	27
Number of Fatalities Reported per 100,00 Employees[2]	5.44	2.68	6.4	7.06	5.08	5.96

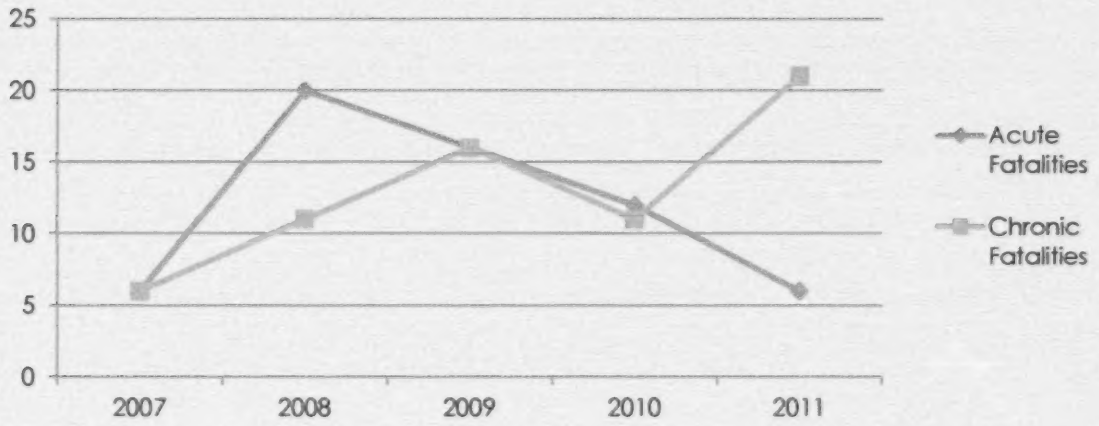
[2] Employment data from Statistics Canada

WORKPLACE FATALITIES IN NOVA SCOTIA

A workplace fatality is counted when all of the following are met:

1. The injury that caused the fatality occurred at a place that meets the definition of a "workplace".
2. At the time of the injury that caused the fatality, the deceased was:
    a. an employee of a company;
    b. a self-employed person; or
    c. neither an employee nor a self-employed person, but who, at the time of the fatality, was contributing to work at the workplace.
3. The injury that caused the fatality occurred:
    a. within the physical boundaries of Nova Scotia; or
    b. outside the physical boundaries of Nova Scotia, involving an employee of an organization or a self-employed person that fell under NS OHS legislation at the time of the fatality.
4. An acute fatality is one that occurs in a workplace as the result of a traumatic injury.
5. A chronic fatality is one that occurs in, or associated with, a workplace as a result of industrial disease or a medical condition.

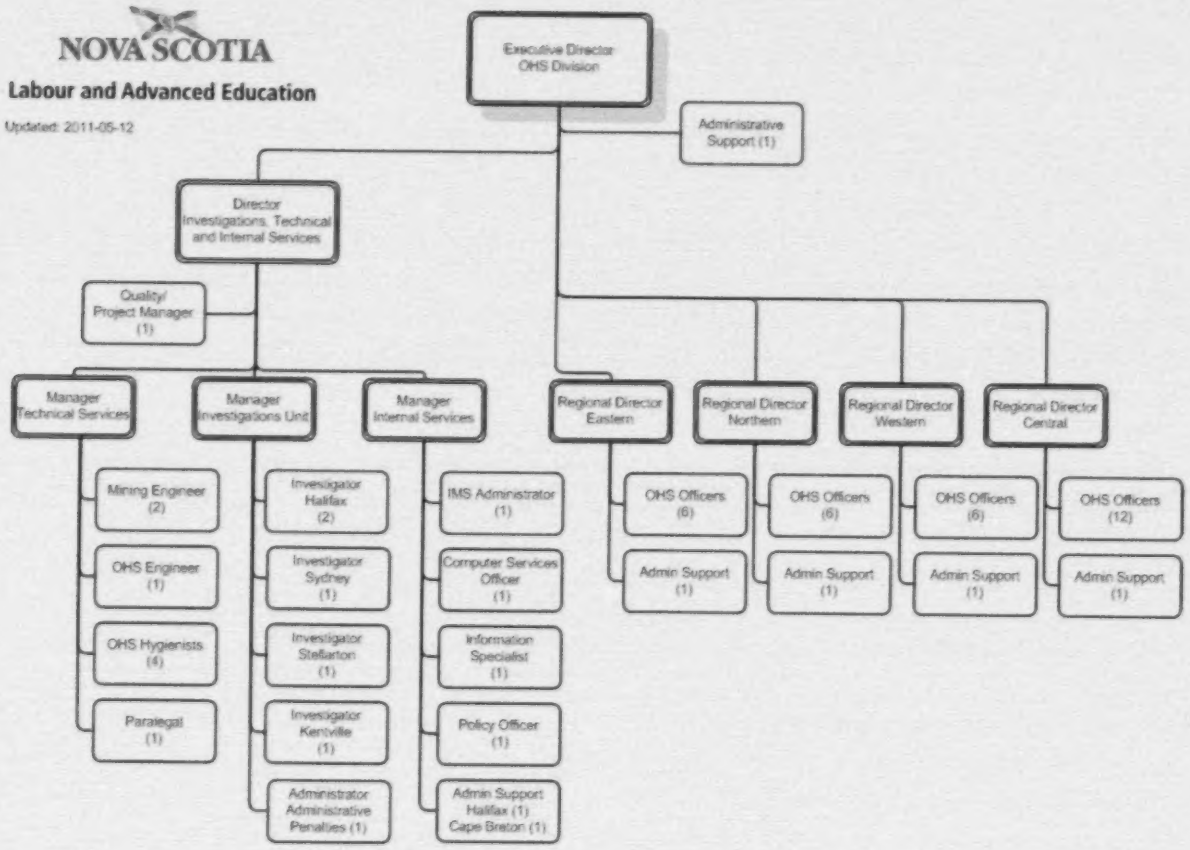
Please note that the following values were obtained from a combination of reports to the OHS Division, WCB data, news releases, and other sources in which fatalities were being reported.



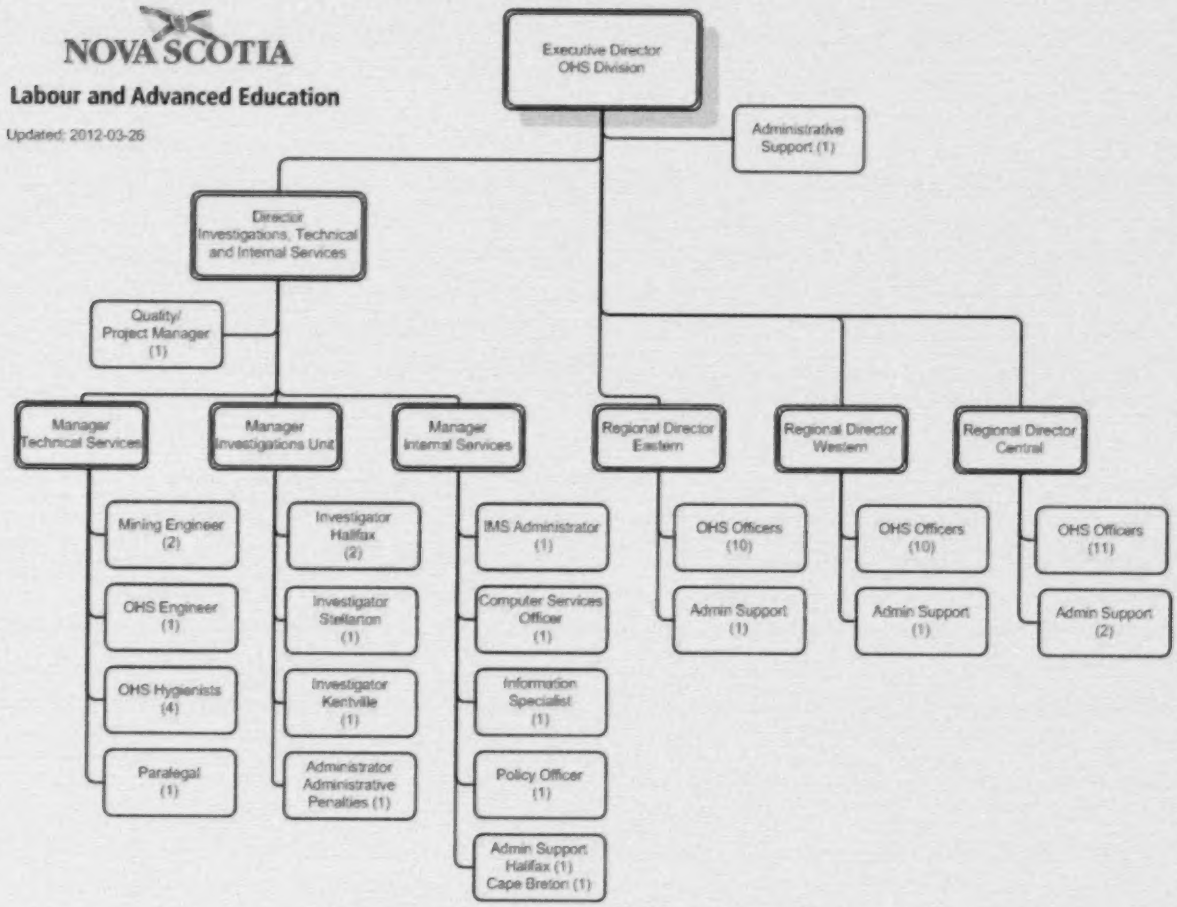
Description	5 Year Average	2007	2008	2009	2010	2011
Acute Fatalities	12	6	20	16	12	6
Chronic Fatalities	13	6	11	16	11	21
Total Fatalities	25	12	31	32	23	27
Average Per Year	5.53	2.70	6.84	7.06	5.08	5.96

APPENDIX A: OHS DIVISION ORGANIZATION CHART

2011-12



2012-13 (*effective April 1, 2012*)



APPENDIX B: IRS CHECKLIST

Category	Description	% Yes				Average % Yes for Category			
		2008/09	2009/10	2010/11	2011/12	2008/09	2009/10	2010/11	2011/12
OHS Policy and Program Issues	OHS Policy Developed	68.1%	78.2%	78.3%	81.7%	71.3%	79.4%	83.6%	82.2%
	OHS Program Established	72.4%	80.6%	85.7%	85.7%				
	Procedures Established	71.8%	84.1%	86.6%	84.0%				
	Reporting Hazards Provision	71.2%	82.5%	86.9%	83.0%				
	Emergency Procedure	70.6%	80.7%	89.0%	88.4%				
	Policy & Procedures	71.1%	84.0%	88.2%	84.8%				
	Hazard ID System	65.8%	78.6%	82.3%	79.5%				
	Monitor Hazards	67.2%	77.2%	81.4%	78.8%				
	Review Policy/Proced.	61.6%	68.5%	73.7%	73.5%				
JOHSC Issues	JOHSC Composition	70.5%	87.4%	85.1%	89.4%	67.1%	77.1%	80.3%	83.5%
	Worker JOHSC Attendance	60.2%	84.1%	85.5%	88.4%				
	JOHSC Established	71.0%	88.6%	86.4%	90.7%				
	Health & Safety Representative	50.1%	55.8%	67.1%	68.1%				
	JOHSC Rules of Procedures	59.2%	69.7%	77.3%	80.8%				
Communication and Information	OHS Policy Posted	62.3%	68.3%	74.1%	73.0%	59.0%	70.5%	75.2%	59.0%
	OHS Act Posted	57.1%	62.6%	69.8%	72.2%				
	Division Number Posted	57.3%	65.8%	70.4%	72.8%				
	JOHSC Minutes Posted	59.3%	74.7%	77.3%	78.7%				
	Rights/Resp. Posted	56.0%	71.1%	75.4%	75.4%				
	Regulations Available	58.3%	68.4%	72.8%	74.3%				
	Orders Displayed	57.2%	74.6%	81.1%	80.5%				
	JOHSC Members Displayed	60.6%	78.6%	80.4%	81.7%				
Training	Training Plan Documented	64.1%	77.5%	85.0%	82.3%	63.4%	73.7%	80.7%	77.0%
	JOHSC Trained	50.9%	69.9%	76.4%	71.6%				
Records	Hazard Materials List	62.3%	69.6%	77.4%	78.1%	69.0%	75.8%	79.6%	80.4%
	JOHSC Records Maintained	67.4%	82.0%	82.5%	87.3%				
	Maintain Records & Statistics	67.2%	75.7%	79.0%	75.8%				

APPENDIX C: 2011/12 LAE STATEMENT OF MANDATE PERFORMANCE MEASURE DETAIL

AVERAGE DURATION OF LOST-TIME CLAIMS COMPARED TO THE ATLANTIC CANADA AVERAGE

Measure: Average five-year composite duration of the Workers' Compensation Board's lost time claim compared to the Atlantic Canada and national averages.

Definition of Measure:

- The Workers' Compensation Board compiles accident duration data and the number of accident claims. Each jurisdiction submits its statistics to a national body, the Association of Workers' Compensation Boards of Canada (AWCBC) which publishes comparative data based on the submitted information.
- Definition: The estimated total number of calendar days that were compensated for short-term disability over the first five calendar years of a typical lost-time claim, if conditions continue in future years. During the initial period after the injury and before the injury has stabilized, plateaued or consolidated, short-term disability benefits are all income benefits.
- Calculation: The composite method is the number of days paid in the reference year for each accident year, divided by the number of lost-time claims of the corresponding accident year. Then, the results are added together for the designated number of years. All short-term disability benefits related to income loss, as well as rehabilitation benefits, are included up to the point where long-term disability benefits commence. The current year plus four prior accident years are to be used in the calculation.

a = Total number of compensable days paid for all compensable time loss claims in a given year.

b = Total number of time loss claims filed in a given year

Measure (days) =(a (year)/b (year) +a (year-1)/b (year-1) +a (year-2)/b (year-2) + a (year-3)/b (year-3) +a (year-4)/b (year-4))

Target = maintain or decrease the average number of compensable days relative to the Atlantic Canada average

Rationale for Selecting Measure:

LAE works with employers and employees to promote compliance with a legislative framework that is reflective of current workplace standards. By creating safe and healthy work environments, we minimize workplace hazards and risk, to reduce the likelihood of accidents resulting in workers compensation claims. This measure provides a system measure of injury severity, based on the assumption that the longer a worker is receiving benefits, the more severe the injury.

It is important to note that claim duration may be influenced by factors other than severity of injury. Injury severity is a WCB system cost driver and is related to the effectiveness of return to work efforts and disability management. This measure tries to reflect the number of days lost from work.

Data:	2007	2008	2009	2010	2011
Nova Scotia	102.0	95.0	98.0	98.0	98.0
Atlantic Canada	91.8	97.5	92.6	91.8	N/A[3]
Canada	67.7	69.0	69.8	70.0[4]	N/A[3]Error! Bookmark not defined.

ANNUAL AVERAGE NUMBER OF NEW REGISTERED WCB LOSS TIME CLAIMS PER HUNDRED EMPLOYEES COMPARED TO THE ATLANTIC CANADA AND CANADA AVERAGE

Measure: Annual average number of new registered WCB loss time claims per hundred estimated WCB registered employees compared to the Atlantic Canada and national averages.

Definition of Measure:

- The WCB compiles statistics related to accident numbers. Each jurisdiction submits its statistics to a national body, the Association of Workers' Compensation Boards of Canada (AWCBC) which publishes comparative data based on submitted information.
- Definition: Number of new lost-time claims per 100 workers of assessable employers.
- Calculation
  a = Total number of new lost-time claims for assessable employers.
  b = Estimated number of workers of assessable employers or self-employed workers opting for coverage.

The reliability of the injury frequency data is subject to the limitations of its denominator, as described in the calculation of the percentage of workforce covered.

Measure (claims /100 WCB covered employees) = 100 x (a/b)

Target = maintain or decrease the number of WCB loss time claims compared with the national average

Rationale for Selecting Measure:

To measure the risk of workplace injury for workers in each jurisdiction in terms of the proportion of workers that suffered a lost-time work injury. The average number of registered WCB loss time claims per hundred employees reflects the number of workplace accidents occurring in WCB covered work sites. The measure allows government to monitor trends.

Data (calendar year):	2007	2008	2009	2010	2011
Nova Scotia	2.6	2.5	2.2	2.1	2.02
Atlantic Canada	1.7	1.9	1.7	1.7	N/A[3]
Canada	2.3	2.1	1.8	1.8	N/A[4]

[3] N/A - specific provincial data not currently available.

[4] This number does not include Ontario as it did not report results for this measure in 2010.

APPENDIX D: CLIENT SATISFACTION MEASURE DETAIL

INTERNET SATISFACTION SURVEY

Question	% Percent				
	2007/08	2008/09	2009/10	2010/11	2011/12
How would you rate the site navigation?	73	N/A	70	56	60
How would you rate the site's visual appeal?	75	N/A	73	64	70
How would you rate the ability to find what you want quickly?	66	N/A	60	53	60
How would you rate the site's search abilities?	50	N/A	53	56	64
How would you rate the site's overall usefulness?	75	N/A	80	71	76

INSPECTION SATISFACTION SURVEY

Question	% Percent		
	2009/10	2010/11	2011/12
Explained the inspection process.	98.0	98.4	99.1
Explained Act and regulations.	98.0	96.9	98.4
Satisfactorily answered my questions.	90.7	95.7	99.7
Encouraged me to give input and feedback.	94.6	93.6	94.8
Inspection report was understandable.	97.9	96.1	99.5
Officer was professional throughout the inspection.	97.5	97.7	98.4
Inspection overall helped to improve health and safety.	93.3	97.6	95.8
Order was clear as to what was needed to comply.	97.5	97.2	97.9
Order allowed proper length of time to comply.	96.1	95.2	93.7
Average:	96.0	96.5	97.5

DISCONTINUED SURVEYS

Due to low response rates, the "Client Service Satisfaction Survey - Email Questions" and the "Publications Mail Out Survey" have been discontinued as of this reporting period. Both surveys are currently under review.

IMPROVING RESPONSE TIMES TO CLIENT SERVICE REQUESTS

In addition to surveys, the Division monitors the time required to respond to a complaint or an incident as a measure of client satisfaction. This parameter is measured through the length of time before the initial investigation of a complaint or incident by an OHS officer. The length of time before the initial investigation of complaints or incidents by an OHS officer is as follows:

Categories	Results				
	2007/08	2008/09	2009/10	2010/11	2011/12
Number of complaints/incidents received.	1313	912	929	1302	1105
Number of complaints/incidents for which no follow-up inspection was performed.*	381	234	31	30**	13
Average number of days between receipt of complaint/incident and start of inspection/investigation (if one is conducted).	14.8	8.5	8.1	7.9	6.0

* While it is standard procedure for the Division to follow-up on all complaints and incidents, there are some for which this is not appropriate or possible. Complaints and incidents that may not receive a direct response or a site visit include:

1. operation that was the subject of the complaint or incident is transient and was no longer in existence by the time an officer could investigate;
2. complainant gives incorrect information which does not allow the operation that was the subject of the complaint or incident to be identified; and
3. the operation that was the subject of the complaint or incident is within the jurisdiction of:
    a) the federal government,
    b) the Labour Standards Division, and
    c) other government agencies.

In such cases, the complaint or incident is referred to the appropriate agency for follow-up.

** This reflects that all complaints/incidents are entered into our Activity Tracking System (ATS) as an Inspection or Investigation. Some complaints are completed in office (i.e., by the Information Specialist) with no need for an officer to respond.

APPENDIX E: PUBLIC TRUST FUND

On behalf of the Minister of Labour and Advanced Education, the Division administers the OHS Public Education Trust Fund as authorized by Order in Council 2010-351. The fund is managed by the Department of Finance.

Typically, when offenders are charged by Division staff for violating OHS legislation, and subsequently convicted by the courts, a portion of the fine is directed by the court to the Minister's Public Education Trust Fund. In turn, the Division directs all monies received for the purpose of public education and promotion related to occupational health and safety (as provided in sub-section 75(1)(b) of the *Occupational Health and Safety Act*) to a designated cost centre utilized only for the aforementioned purpose. The Trustees of the Fund are the following officials of the Department of Labour and Advanced Education: the Deputy Minister, the Director and the Provincial Director (Investigations, Technical and Internal Services) of the Occupational Health and Safety Division.

After considering the purpose of funding requests and determining their compatibility with the intent of the Trust Fund, the Trustees are permitted to authorize disbursements. The Department of Finance will make disbursements from the Fund upon the authorization of any two Trustees. Fund disbursements can only be made for the following purposes:

1. advertising pursuant to sub-section 75(1) of the *Occupational Health and Safety Act*;
2. a specific purpose as directed by any court order that identifies how the funds are to be spent;
3. support for 'not for profit' organizations which have as part of their mandate public education and promotion related to occupational health and safety; and
4. support for organizations providing public educational services related to occupational health and safety.

The Trust Fund is administered to maximize benefit from the monies that have been credited to the account. Funding requests must be formally proposed and submitted to the Trustees, for review. Such proposals submitted are considered on their merit, taking into account the purpose for which the Fund was established, and in the chronological order that they are received.

Requests by organizations other than the Occupational Health and Safety Division must include provision for in kind contribution, at least equivalent to any amount requested. The Trustees of the Fund may authorize disbursements to the Occupational Health and Safety Division from the fund without a proposal and without limits. Any proposal that is granted funding from the Fund and accepted by the proponent must recognize the contribution from the Fund in any material produced or distributed. On completion of any work that is funded in part through the Fund, a report of the work must be submitted to the Occupational Health and Safety Division.

Persons or organizations seeking a grant from the Trust Fund may submit a written proposal to the OHS Division for review by the Trustees.

Those benefitting financially from the Fund must maintain a separate account which may be subject to audit by the Occupational Health and Safety Division.

In 2011/12, two (2) parties convicted in court were ordered to pay an amount to the Fund, details of which are as follows:

Organization	Value ($)
Southeast Drywall Limited	$8,000
Sepracor Canada (Nova Scotia) Limited	$20,000

Disbursements from the Fund are included in those listed in *Appendix F – Major Funding Disbursements*.

APPENDIX F: MAJOR FUNDING DISBURSEMENTS

Though some are from different sources, the majority of disbursements listed below come from the Director's Discretionary Fund, which is supported by WCB allocations to the OHS Division, and the Minister's Education Trust Fund.

CANADIAN CENTRE FOR OCCUPATIONAL HEALTH AND SAFETY

A Canadian federal government agency based in Hamilton, Ontario, it supports the goal of eliminating all Canadian work-related illnesses and injuries. Similar to past years, the Nova Scotia Division contributed with other Canadian jurisdictions on a per capita basis to maintain the free Inquiry Service operated by the CCOHS. The amount (discretionary grant) provided by the Division was $24,000.

CANADIAN STANDARDS ASSOCIATION

CSA is a not-for-profit membership-based association serving business, industry, government and consumers in Canada and the global marketplace. As in past years, the Nova Scotia Division contributed with other Canadian jurisdictions on a per capita basis to develop, and provide free online (read only) access to a series of occupational health and safety-related standards. The amount (discretionary grant) provided by the Division was $1,480.04. An additional grant in the amount of $3,780.00 was provided to further the development of OHS Standards.

SAFETY SERVICES NOVA SCOTIA

Safety Services Nova Scotia was founded in 1958, under the name "The Nova Scotia Highway Safety Council", as a private, non-profit, non-government organization. Its mission is to be the centre of excellence for safety and health, making this a way of life. Similar to past years, the Division contributed base funding in the amount of $25,000 to assist SSNS in holding its annual conference.

DAY OF MOURNING

The National Day of Mourning recognizes each April 28 as a day of reflection for people who have been injured or killed at work. The Province hosted the annual ceremony and reception at Province House.

NORTH AMERICA OCCUPATIONAL SAFETY AND HEALTH WEEK

This is an annual event to draw attention to workplace health and safety. This year, the OHS Division provided a discretionary grant in the amount of $1,500 to help support events planned throughout the province.

CANADIAN SOCIETY OF SAFETY ENGINEERS

The Division provided a discretionary grant in the amount of $1,500 to the CSSE in support of a North American Occupational Safety and Health (NAOSH) Week luncheon.

THREADS OF LIFE

Threads of Life received funding support from the Minister of Labour and Advanced Education's OHS Public Education Trust Fund in the amount of $15,000. Threads of Life is a national registered Canadian charity dedicated to supporting families who have suffered from a workplace fatality, life-altering illness or occupational disease.

CANADIAN NATIONAL INSTITUTE FOR THE BLIND (CNIB)

The CNIB received funding support from the Minister of Labour and Advanced Education's OHS Public Education Trust Fund in the amount of $25,000. The money was used to fund seven (7) education sessions conducted across Nova Scotia between January and May 2012, to raise awareness of eye protection in the workplace.

NOVA SCOTIA PUBLIC LIBRARIES

The OHS Division purchases copies of the ACGIH TLV booklets and provides them free of charge to Nova Scotia Libraries.

ST. JOHN AMBULANCE

The St. John Ambulance (NS Provincial HQ) received a discretionary grant in the amount of $15,000.00 to help fund the construction of a room in its Dartmouth headquarters office.

MINE RESCUE COMPETITION

The Division provided a discretionary grant in the amount of $5,000.00 to assist with the Mine Rescue Competition activities held during Spring 2012.

APPENDIX G: KEY DIVISIONAL ACTIVITY STATISTICS DETAIL

ADMINISTRATIVE PENALTY STATISTICS

PENALTIES ISSUED AND APPEALS FILED FOR THE 2011/12 FISCAL YEAR

Region	Number of AP Issued	Percentage By Region	Number of Appeals
Cape Breton	465	47	10
Central	228	23	103
Northeast	138	14	41
Southwest	74	7	42
Technical Services	91	9	22
Total	996	100	218

PENALTIES ISSUED BY CLASS OF PERSON AND BY REGION

Class of Person	Cape Breton	Central	Northeast	Southwest	Technical Services	Total
Architect	0	0	0	0	0	0
Constructor	0	5	0	0	0	5
Contractor	1	17	5	2	1	26
Employee	1	33	2	1	3	40
Employer	71	396	220	135	85	907
Owner	0	1	0	0	0	1
Professional Engineer	0	0	0	0	0	0
Provider of OHS Service	0	0	0	0	0	0
Self-employed Person	0	0	1	0	0	1
Supervisor (Employee)	1	12	0	1	2	16
Supplier	0	0	0	0	0	0
Total	74	464	228	139	91	996

ADMINISTRATIVE PENALTIES BY INDUSTRY

Industry	SIC Range	2010/11	2011/12
Accommodation, Food, and Beverage	9000-9599	6	8.9
Agricultural and Related Services	0000-0299	2	1.3
Business Services	7700-7999	1	0.3
Communications	4800-4999	0	0.4
Construction	4000-4499	33	33.9
Education Services	8500-8599	1	1.3
Finance and Insurance	7000-7499	0	0
Fishing and Trapping	0300-0399	2	1.5
Government Services	8000-8499	2	1.7
Health and Social Services	8600-8999	3	3.4
Logging and Forestry	0400-0599	1	0
Manufacturing	1000-3999	9	7.3
Mining, Quarrying, and Oil	0600-0999	5	4.8
Other Services	9600-9999	12	13.1
Real Estate / Insurance	7500-7699	0	0.2
Retail Trade	6000-6999	19	18.6
Transportation and Storage Industries	4500-4799	1	0.4
Wholesale Trade	5000-5999	3	2.9

ADMINISTRATIVE PENALTIES REPORT – QUARTERLY ROLL UP

Period	Orders Reviewed	Penalties Issued					Value Issued
		Total	Employer Class	Supervisor Class	Employee Class	Appeals Filed	
2009/10	462	61	59	1	1	11	$37,400
2010/11	4221	1154	1095	28	31	215	$701,299.83
2011/12 (1st Quarter):							
Jun	1138	291	278	0	13	49	$176,396.61
Sep	1108	234	220	4	10	78	$165,323.31
Dec	1060	255	236	8	11	55	$187,056.65
Mar	1123	216	204	6	6	36	$154,356.66
Total	4429	996	938	18	40	218	$683,133.23

DIVISIONAL ACTIVITIES

FIELD ACTIVITIES

Tracked Activity	Quantity				
	2007/08	2008/09	2009/10	2010/11	2011/12
Inspections Coded within ATS System					
Ad Hoc Inspections	879	356	398	597	605
Client Request	1	55	41	32	41
External Request	14	7	7	6	5
Internal Request	2	2	11	10	21
Scheduled (formerly "Re-Inspections")	143	97	96	119	27
Targeted Inspections	266	282	395	419	416
Complaints Investigated	931	912	929	969	861
Incidents Investigated	370	200	282	276	244
Document/Plan Review					1
Work Refusals Investigated	16	265	34	14	6
Discriminatory Action Complaints	44	92	34	47	31
Total Field Activities:	2,678	2,297	2,259	2,489	2,258
Field Staff Full-time Equivalents Available	31	25	25	24	34.5
Field Activities Per Officer:	86	92	90	104	65
Appeals					
Appeals of Officer Decisions	11	9	22	32	20
Appeals of Director Decisions	8	6	7	9	1
Total Appeals	19	15	29	41	21
Prosecutions and SOTs					
Full-Form Prosecutions Initiated	13	11	8	15	13
Summary Offence Tickets Issued	5	4	5	28	5
Total Prosecutions and SOTs	18	15	13	43	18

ORDERS ISSUED

Category	Issued				
	2007/08	2008/09	2009/10	2010/11	2011/12
Orders Issued Under the Acts					
Stop Work Orders	95	68	97	110	123
Deviations Granted	38	44	31	45	41
Codes of Practice Required Under the Act	66	19	16	15	16
Total OHS Act Orders	1,349	1,183	1,479	1,693	1306
Orders Issued Under the Regulations					
Blasting Safety Regulations	-	10	25	17	16
Fall Protection & Scaffolding Regulations	672	446	415	388	311
First Aid Regulations	586	439	492	439	323
Occupational Diving Regulations	0	0	0	14	35
Occupational Health Regulations	23	16	21	29	29
Occupational Safety General Regulations	1,648	1,491	1,922	1728	1453
Temporary Workplace Traffic Control Regs.	36	32	57	27	32
Underground Mining Regulations	7	45	1	8	3
Violence in the Workplace Regulations	104	229	348	227	154
WHMIS Regulations	286	288	438	380	298
Orders Issued Under Other Acts the Division Enforces					
Smoke-free Places Act	19	10	6	11	3
Smoke-free Places Regulations	2	0	0	0	1
Total	4,732	4,189	5,204	4,961	3,964

DISTRIBUTION OF DIVISIONAL ACTIVITIES BY INDUSTRY (%)

Industry	SIC Range	2007/08	2008/09	2009/10	2010/11	2011/12
Accommodation Food, Beverage	9000-9599	2.8	5.7	4.2	4.0	6.3
Agricultural/Related Services	0000-0299	1.2	0.3	0.2	1.6	1.1
Business Services	7700-7999	1.4	1.5	0.8	0.9	1.2
Communications	4800-4999	2.8	1.8	2.0	2.1	1.3
Construction	4000-4499	33.3	34.2	35.9	36.1	34.9
Education Services	8500-8599	0.4	0.0	0.4	0.2	0.3
Finance and Insurance	7000-7499	0.1	0.0	0.0	0.1	0.0
Fishing and Trapping	0300-0399	0.3	0.2	0.3	0.9	1.4
Government Services	8000-8499	3.2	4.8	3.2	2.9	3.4
Health and Social Services	8600-8999	4.8	6.6	11.4	5.9	5.6
Logging and Forestry	0400-0599	0.8	0.4	0.6	0.5	0.6
Manufacturing	1000-3999	13.0	17.0	14.8	15.2	12.3
Mining, Quarrying, and Oil	0600-0999	4.4	4.8	3.7	1.6	3.1
Other Services	9600-9999	3.9	3.1	3.1	3.0	2.9
Real Estate / Insurance	7500-7699	1.4	1.3	1.2	1.2	1.2
Retail Trade	6000-6999	19.0	12.1	10.8	14.6	16.6
Transportation and Storage Industries	4500-4799	1.9	1.1	1.6	1.7	1.9
Wholesale Trade	5000-5999	5.3	5.1	5.6	7.5	5.9

DISTRIBUTION OF COMPLAINT INSPECTIONS BY INDUSTRY TYPE (%)

Industry	SIC Range	2007/08	2008/09	2009/10	2010/11	2011/12
Accommodation, Food, and Beverage	9000-9599	0.0	8.6	4.9	3.9	7.0
Agricultural and Related Services	0000-0299	0.7	0.4	0.0	1.1	0.3
Business Services	7700-7999	3.2	2.5	2.0	1.4	2.4
Communications	4800-4999	3.2	2.5	2.5	2.5	1.9
Construction	4000-4499	39.6	36.7	38.7	41.7	42
Education Services	8500-8599	0.0	0.0	0.5	0.0	0.3
Finance and Insurance	7000-7499	0.2	0.0	0.0	0.2	0.0
Fishing and Trapping	0300-0399	0.7	1.6	0.0	0.9	1.5
Government Services	8000-8499	7.2	3.3	3.4	3.1	5.2
Health and Social Services	8600-8999	4.7	2.9	8.8	5.0	3.7
Logging and Forestry	0400-0599	1.1	0.8	1.5	0.6	0.4
Manufacturing	1000-3999	18.9	18.4	12.3	13.5	11.2
Mining, Quarrying, and Oil	0600-0999	1.8	2.5	0.5	0.5	1.1
Other Services	9600-9999	0.0	4.5	4.4	3.9	4.7
Real Estate / Insurance	7500-7699	1.6	0.8	2.9	1.6	2.3
Retail Trade	6000-6999	8.1	8.6	8.8	11.9	8.4
Transportation and Storage Industries	4500-4799	2.0	1.6	3.4	2.2	1.9
Wholesale Trade	5000-5999	7.0	4.5	5.4	6.0	5.7

DISTRIBUTION OF TARGETED INSPECTIONS BY INDUSTRY (%)

Industry	SIC Range	2007/08	2008/09	2009/10	2010/11	2011/12
Accommodation, Food, and Beverage	9000-9599	8.6	6.4	7.0	6.0	6.1
Agricultural and Related Services	0000-0299	0.8	1.7	0.5	3.2	1.8
Business Services	7700-7999	0.0	0.6	0.5	0.0	0.3
Communications	4800-4999	3.1	0.0	1.9	1.3	0.6
Construction	4000-4499	7.0	12.7	13.1	13.9	15.5
Education Services	8500-8599	0.0	0.0	0.0	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	1.6	0.0	0.0	0.3	0.0
Government Services	8000-8499	3.9	3.5	0.0	2.2	0.3
Health and Social Services	8600-8999	10.2	17.3	30.4	13.0	14.0
Logging and Forestry	0400-0599	3.1	0.0	0.0	0.3	0.9
Manufacturing	1000-3999	4.7	24.3	15.4	19.0	14.6
Mining, Quarrying, and Oil	0600-0999	2.3	0.0	1.9	0.6	1.5
Other Services	9600-9999	2.3	2.3	0.9	3.5	1.2
Real Estate / Insurance	7500-7699	3.1	1.7	0.5	2.2	0.3
Retail Trade	6000-6999	41.4	22.5	20.6	23.1	33.3
Transportation and Storage Industries	4500-4799	0.8	0.0	0.0	1.9	2.9
Wholesale Trade	5000-5999	7.0	6.9	7.5	9.5	6.7

DISTRIBUTION OF ORDERS BY INDUSTRY (%)

Industry	SIC Range	2007/08	2008/09	2009/10	2010/11	2011/12
Accommodation, Food, and Beverage	9000-9599	4.6	10.6	6.9	6.2	10.9
Agricultural and Related Services	0000-0299	0.5	1.3	0.7	1.4	1.7
Business Services	7700-7999	0.6	1.7	0.5	1.1	0.5
Communications	4800-4999	3.7	2.0	1.6	1.7	1.0
Construction	4000-4499	31.4	27.1	22.9	24.5	25.6
Education Services	8500-8599	0.0	0.0	0.1	0.1	0.2
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	0.0	0.3	0.1	1.5	1.8
Government Services	8000-8499	3.2	2.9	2.1	3.2	1.7
Health and Social Services	8600-8999	2.9	1.2	5.9	2.8	3.0
Logging and Forestry	0400-0599	0.5	1.2	0.0	0.4	0.3
Manufacturing	1000-3999	12.3	17.8	15.6	17.2	11.9
Mining, Quarrying, and Oil	0600-0999	1.0	5.9	4.5	4.2	2.5
Other Services	9600-9999	4.8	3.6	4.0	3.1	2.7
Real Estate / Insurance	7500-7699	1.1	0.5	0.9	0.4	0.9
Retail Trade	6000-6999	24.1	13.6	26.3	20.6	25.2
Transportation and Storage Industries	4500-4799	1.3	0.2	1.1	1.7	2.1
Wholesale Trade	5000-5999	8.1	10.2	6.8	9.9	8.0

RATIO OF ORDERS TO ACTIVITIES BY INDUSTRY

Industry	SIC Range	2007/08	2008/09	2009/10	2010/11	2011/12
Accommodation, Food, and Beverage	9000-9599	1.7	1.9	1.6	1.5	1.7
Agricultural and Related Services	0000-0299	0.4	4.3	3.5	0.9	1.5
Business Services	7700-7999	0.4	1.1	0.6	1.1	0.4
Communications	4800-4999	1.3	1.1	0.8	0.8	0.8
Construction	4000-4499	0.9	0.8	0.6	0.7	0.7
Education Services	8500-8599	0.0	0.0	0.0	0.7	0.7
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	0.0	1.5	0.3	1.6	1.3
Government Services	8000-8499	1.0	0.6	0.7	1.1	0.5
Health and Social Services	8600-8999	0.6	0.2	0.5	0.5	0.5
Logging and Forestry	0400-0599	0.7	3.0	0.0	0.7	0.5
Manufacturing	1000-3999	0.9	1.0	1.1	1.1	1.0
Mining, Quarrying, and Oil	0600-0999	0.2	1.2	1.2	2.5	0.8
Other Services	9600-9999	1.2	1.2	1.3	1.0	0.9
Real Estate / Insurance	7500-7699	0.8	0.4	0.8	0.3	0.8
Retail Trade	6000-6999	1.3	1.1	2.4	1.4	1.5
Transportation and Storage Industries	4500-4799	0.7	0.2	0.7	1.0	1.1
Wholesale Trade	5000-5999	1.5	2.0	1.2	1.3	1.4

APPENDIX H: PROSECUTION ACTIVITY

PROSECUTION BREAKDOWN

Categories	Charges Decided				
	2007/08	2008/09	2009/10	2010/11	2011/12
Full-Form Prosecutions Decided	10	14	5	14	16
Full-Form Charges Decided					
Guilty[5]	12	14	10	18	16
Not-Guilty	0	3	1	0	0
Dismissed	0	4	2[6]	10	0
Withdrawn	31	19	12	15	25
Stayed	0	5	0	0	10
Quashed	0	0	0	0	0
Total	43	45	25	43	51
Summary Offence Tickets (SOT) Decided[7]					
Guilty	5	9	3	10	8
Withdrawn	0	0	3	2	12
Total	5	9	6	12	20

CASE BY CASE RESULTS (FULL-FORM PROSECUTIONS, GUILTY ONLY)

Accused	Offence	Charges Decided in 2011/12 FY	Total Penalty
DELLA VALLE, JAMES EDWARD	As an employee, fail to take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace, contrary to Section 17(1)(a) of the *Occupational Health and Safety Act*, thereby committing an offence contrary to Section 74(1)(a) of the *Occupational Health and Safety Act*, R.S.N.S.1996 c.7, as amended.	*Occupational Health and Safety Act* 17-1-a	$1,000.00
FLEET, CLEMENT EDMOND	Fail to comply with an order, to wit Order number 1113810774-001, contrary to Section 74(1)(b)(1) of the Nova Scotia *Occupational Health and Safety Act* R.S. N.S. 1996 c.7 as amended; and furthermore Walter Wallace Riley being a partner of Ship and Shore Metal Salvage on or about the 10 day of November 2011 A.D. at or near Marie Joseph, Nova Scotia did Fail to Comply with an order, to wit Order number 1113810774-001, contrary to Section 74(1)(b)(i) of the Nova Scotia *Occupational Health and Safety Act* R.S. N.S. 1996 c.7 as amended; and	*Occupational Health and Safety Act* 74-1 (2 counts)	$2,260.21

[5] Formula for calculating prosecution success rate = Guilty Verdicts / (Total Guilty + Not Guilty Verdicts).
[6] Two "dismissed" charges were done in error by the Crown following a plea arrangement with the defence council. Two accused persons agreed to donate $4500 each to the Threads of Life; the Crown omitted to advise the court that the donations represented an agreed upon fine with corresponding convictions.
[7] Summary Offence Tickets that go to trial are still counted as Summary Offence Tickets (not in the Full-Form Prosecution category).

Accused	Offence	Charges Decided in 2011/12 FY	Total Penalty
	furthermore Walter Wallace Riley being a partner of Ship and Shore Metal Salvage on or about the 10 day of November 2011 A.D, at or near Marie Joseph, Nova Scotia did Fail to Comply with an order, to wit Order number 1113810774-001, contrary to Section 74(1)(b)(i) of the Nova Scotia *Occupational Health and Safety Act* R.S. N.S. 1996 c.7 as amended.		
HALIFAX SHIPYARD	... did as an employer fail to ensure employees wore full body harnesses contrary to Section 134(3) of the Occupational Safety General Regulations made pursuant to *Occupational Health and Safety Act* S.N.S. 1996, c.7., and did thereby commit an offence contrary to Section 74(1)(a) of the said Act.	Occupational Safety General Regulations 134-3	$43,000.00
MARITIME FENCE LTD.	... Maritime Fence Limited, being an employer, did fail to provide such information, instruction, training, supervision and facilities as are necessary to the health and safety of the employees contrary to Section 13(1)(c) of the Occupational Health and Safety Act, and did thereby commit an offence contrary to Section 74(1)(a) of the Occupational Health and Safety Act. ... Maritime Fence Limited, being an employer, did fail to ensure that a machine that may be a hazard to the health and safety of a person at the workplace is erected, installed, assembled, started, operated, used, handled, stored, stopped, inspected, serviced, tested, cleaned, adjusted, maintained, repaired, and dismantled in accordance with the manufacturer's specifications, or, where there are no manufacturer's specifications, the specifications, the specifications certified by and engineer contrary to Section 84(1) of the Occupational Safety general Regulations and did thereby commit an offence contrary to the Section 74(1)(a) of the *Occupational Health and Safety Act*.	Occupational Safety General Regulations 84-1. *Occupational Health and Safety Act* 13-1-c.	$50,000.00
MCNEIL, JOSEPH DARRELL	As an employee, fail to take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace, contrary to Section 17(1)(a) of the *Occupational Health and Safety Act*, thereby committing an offence contrary to Section 74(1)(a) of the Occupational Health and Safety Act, R.S.N.S. 1996 c.7, as amended.	*Occupational Health and Safety Act* 17-1-a	$1,250.21
Isnor, Joseph P. – Carrying On Business as "Roof Masters"	Joseph P. Isnor - Carrying On Business as Roof Masters, between 1 October 2009 and 20 November 2009, at or near Lower Sackville, NS, did unlawfully fail to comply with order 914810356-001, issued pursuant to Section 55 (1) of the *Occupational Health and Safety Act*, and did thereby commit an offence contrary to Section 74 (1) of the Occupational Health and Safety Act. And further, at the same time and place, did unlawfully fail to comply with order 914810356-002, issued pursuant to	*Occupational Health and Safety Act* 55-1 (3 counts)	*Creative sentencing*

Accused	Offence	Charges Decided in 2011/12 FY	Total Penalty
	Section 55 (1) of the *Occupational Health and Safety Act*, and did thereby commit an offence contrary to Section 74 (1) of the *Occupational Health and Safety Act*. And further, at the same time and place, did unlawfully fail to comply with order 914810356-003, issued pursuant to Section 55 (1) of the *Occupational Health and Safety Act*, and did thereby commit an offence contrary to Section 74 (1) of the *Occupational Health and Safety Act*.		
ROTOR MECHANICAL SERVICES LTD	Fail as an employer to ensure that a machine, to wit: Honda Generator Model EM3800SX, Serial Number EAMC1006844 was installed and operated in accordance with the manufacturer's specifications as prescribed by Section 84(1) of the Occupational Safety General Regulations made pursuant to Section 82 of the *Occupational Health and Safety Act* S.N.S. 1996 c7 and did thereby commit an offence contrary to Section 74(1) of the Act. ... did fail as an employer to take every precaution that is reasonable in the circumstances to ensure the health and safety of a person, to wit: Kyle Scott Elliott at or near the workplace, contrary to Section 13(1)(a) of the *Occupational Health and Safety Act* S.N.S.1996, c.7, and did thereby commit an offence contrary to Section 74 (1) (a) of the Act; ... did fail as an employer to take every precaution that is reasonable in the circumstances to ensure the health and safety of a person, to wit: Mandi Dawn Balagot at or near the workplace, contrary to Section 13(1)(a) of the *Occupational Health and Safety Act* S.N.S.1996, c.7, and did thereby commit an offence contrary to Section 74 (1) (a) of the Act;	Occupational Safety General Regulations 84-1 *Occupational Health and Safety Act* 13-1-a (2 counts)	$95,000.00
ROUTLEDGE, DARRYL TODD	As an employee, fail to take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace, contrary to Section 17(1)(a) of the *Occupational Health and Safety Act*, thereby committing an offence contrary to Section 74(1)(a) of the *Occupational Health and Safety Act*, R.S.N.S. 1996 c.7, as amended.	*Occupational Health and Safety Act* 17-1-a	$1,000.00
SEPRACOR CANADA LIMITED	Sepracor Canada (Nova Scotia) Limited, 24 Ivey Lane, Windsor, Nova Scotia, as an employer, failed to ensure that where a process is carried on that produces a gas, vapour, dust or other impurity that is likely to be inhaled to an injurious extent by a person in the workplace, provide and use such mechanical means as are capable of preventing such inhalation so far as is reasonably practicable, effectively carrying off and disposing of the impurity, and preventing the recirculation and re-entry into the workplace of air containing the impurity, contrary to the Subsection 15(b) of the Occupational Safety	Occupational Safety General Regulations 15-b	$45,000.00

Accused	Offence	Charges Decided in 2011/12 FY	Total Penalty
	General Regulations, made pursuant to the *Occupational Health and Safety Act* S.N.S. 1996, c.7, and did thereby commit an offence contrary to Subsection 15(b) of the Occupational Safety General Regulations and Section 74(1)(a) of the *Occupational Health and Safety Act*.		
TRUSS WORTHY FRAMING & RENOVATIONS	... David Busk Sr., carrying on business as Truss Worthy Framing and Renovations, did, as an employer unlawfully failed to ensure that an employee wore a fall arrest system that was adequately secured, at or near the workplace in Bedford N.S. contrary to Section 7(1) and Section 8(1) of the Fall Protection and Scaffolding Regulations and did thereby commit an offence contrary to Section 74(1)(a) of the *Occupational Health and Safety Act* S. NS. 1996 c 7;	Fall Protection and Scaffolding Regulations 7-1 and 8-1	$25,000.00 *plus volunteer service*

SUMMARY OFFENCE TICKET VERDICTS – GUILTY

Accused	Charges Decided in 2011/12	Total Penalty[8]
HJL General Contracting	Failure to Comply (2 SOTs) Failure to Provide Written Notification	$2,080.63
Nova Exterior Wall Systems (E.I.F.S.)	Failure to Comply	$812.41
Precision Concrete Services Limited	Failure to Provide Written Notification	$460.21
Transportation and Infrastructure Renewal	Failure to Comply	$685.21
Underground Consulting Services Inc.	Failure to Comply (2 SOTs)	$1,620.42

[8] Summary Offence Tickets that go to trial may have the (monetary) penalty amount varied by the Judge.